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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our shield and fortress, we thank You for Your unfailing love. Look with favor upon our Senators. Guide them around the obstacles that hinder their progress, uniting them for the common good of this great land. Lord, enable them to go from strength to strength as they fulfill Your purposes for their lives in this generation. Striving to please You, help them to stand for right and leave the consequences to You. Lord, give them a sense of partnership with You in seeking Your best for all phases of our national life.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Iowa.

2020 ELECTION

Mr. GRASSLEY. Mr. President, there has been a lot of finger wagging across the aisle by both Senate and House Democrats about accepting election results. Most of that has been related to whether or not Trump would concede the results of the election to Biden. But, obviously, there is somewhat of a double standard because these same Democrats are mum about a looming challenge to the certified results of the election of Iowa's Second Congressional District.

Representative-Elect Miller-Meeks won by six votes, and that was after careful recounts conducted and certified on a bipartisan basis according to Iowa law. On election night, the Democratic candidate lost. A few days later, two counties were recounted, and the Democratic candidate still lost. Then the Democratic candidate asked for a recount of all 24 counties, and after that recount, the Democratic candidate lost. A day later, the secretary of state of Iowa certified the election, just like the secretaries of state of our 50 States certified their elections in the Presidential election.

Now the Democratic opponent chose not to make a case under Iowa law to a judicial panel headed by the chief justice of Iowa, presumably because there was no legal case.

Now what happens? The next step is that candidate, under a 1969 Federal law, can ask the House of Representatives to set aside Iowa's election law and overturn Iowa's certified election results through a purely political process, which could presumably have a Democratic majority of 222 in the U.S. House overturn the votes of 400,000 Iowans.

Now, getting back to what seems to be a double standard, if Democratic leaders do not nip this in the bud now, they have no room to point fingers at any other Member of Congress.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

CORONAVIRUS

Mr. MCCONNELL. Mr. President, our bipartisan discussions are continuing to make significant headway toward another relief package for the American people. The Democratic leader, Speaker PELOSI, Leader MCCARTHY, and I have been working around the clock for several days now. The talks remain productive. In fact, I am even more optimistic now than I was last night that a bipartisan, bicameral framework for a major rescue package is very close at hand.

Well, let's face it, though, it doesn't help struggling Americans keep their jobs or endure unemployment or pay their rent or get vaccines any faster to keep hearing that we are having good discussions. What families across the country deserve—what they have needed and deserved for months now—is an outcome, another targeted relief package to get more assistance into their hands as fast as possible.

Struggling small business owners have already waited too long for a targeted second round of PPP. Laid-off workers have already waited too long to have expiring programs extended. Kids, teachers, and families have already waited too long for funding to help schools reopen safely. We have already waited too long to fully fund vaccine distributions so our scientists' historic sprint toward a safe and effective vaccine is followed up by an equally important logistical effort.

This has been an unbelievably hard year for our country. We have seen normal daily life grind to a halt and take a record-setting economy right down with it. And even as we have watched doctors, nurses, and researchers make lifesaving history, we have lost more than 300,000 Americans entirely too soon.

Like I have said, the Senate will be right here until an agreement is passed, whenever that may be. We will just continue voting. There are some more well-qualified nominees for important posts that we can confirm in the meantime. So let's finish our business for the American people.

TRIBUTE TO PHIL MAXSON

Mr. MCCONNELL. Now, on a completely different matter, Mr. President,

I jump at any opportunity to praise my incredible staff. I am just sorry that one natural occasion is when great people head toward the exits.

Phil Maxson of Lexington, KY, has mastered one of the toughest jobs on Capitol Hill. As chief of staff for my personal office, he oversees the operation that delivers for Kentucky families and Kentucky priorities.

Here is what that role means in our tight-knit organization. It is like being the player-coach on an old baseball team who is also a utility player at the same time. Phil wears about 10 hats each day, orchestrating a seamless operation. He has mastered policy, political strategy, messaging, and constituent services. He has budgeted and managed the office itself, and Phil is also a liaison and colleague to my leadership office here in the Capitol.

He is the linkage between the two sides of my operation, the single person most responsible for helping me harmonize home-State priorities with my national duties and keep the Commonwealth at the center of all I do. It is a tall order. It takes the best of the best, someone who is so capable that every important issue will involve them, but so humble that situations never become about them. Enter Phil Maxson—a kind, cheerful, and unbelievably confident servant leader whom I am convinced nobody in this planet dislikes.

Phil climbed the Capitol Hill ladder the old-fashioned way. He joined my team as an intern a decade ago. Actually, I think Phil may have snuck a late application into a last-minute opening. If I am right about that, then his good fortune was ours as well.

He has done every job: legislative correspondent, legislative assistant, legislative director, and then the top spot.

As one of his old bosses reminded me recently, ''every time a gap in the office appeared, Phil was the natural choice'' to fill it. It is not like he elbowed his way up. It is that circumstances and our needs kept pulling him up. He is that good.

For the past decade, Phil has walked into every meeting, every markup, every normal day at the office, and every grueling far-flung codel with total preparation, complete professionalism, and the score of the latest UK game.

Another former supervisor of his put it this way: ''I don't think I ever asked Phil a single question he didn't already know the answer to, or didn't find the answer within about 10 minutes.'' That is high praise when your portfolio ranges from U.S.-Burma relations to the BUILD grants that improve our roads and everything in between.

It helps that Phil is a Kentucky thoroughbred through and through. The man really is ''dyed in the bluegrass.'' As a young man in Lexington, he found part-time work giving tours at Henry Clay's Ashland estate. He also graduated from Henry Clay High School.

You could say the Senate was a natural destination. Here, he met UK Coach Calipari, President Netanyahu, and families from Kentucky's smallest towns. And they all got exactly the same attention, enthusiasm, and warmth from Phil Maxson.

He clicks with everyone. He is as affable as he is intelligent. In a town full of big egos and sharp elbows, he stands out because he doesn't try to stand out.

For the better part of a decade, virtually every significant win we have notched for our Commonwealth has had Phil at its nucleus. But if you drop by the staff meeting the day after, what you would hear is Phil explaining why everyone else deserves more credit than he does, why it really all came down to my leadership or his peers' efforts or the hard work of the junior folks beneath him—in other words, everyone else but him.

You would have to go to everyone else to learn that Phil was the human glue that, in fact, held it all together. It would take me all day to list every win Phil helped quarterback for our home State: a state-of-the-art chemical weapons destruction facility in Madison County, the transfer of the Rochester Dam to local ownership, a new wildlife refuge in Henderson County, environmental cleanup and health benefits for nuclear workers in Paducah, the planned construction of a new VA hospital in Louisville, Freedom to Fish and the raising of Lake Cumberland, and many, many more.

But, alas, his dedication to Kentucky is so all-encompassing that he and his wife Sarah Beth have decided they don't want to raise their young family anywhere else.

So ''Bee and Phil on Capitol Hill''—as friends have called them—plus their two boys, Barbour and Theodore, are homeward bound.

I made the same decision myself as a young man, trading in the life of a Senate staffer for a move back home. So I can't exactly fault his decision.

Phil needs to spend fewer breakfasts and dinners with me and more with his own burgeoning clan. I get it, but I am sure sorry to see him go.

Phil is the kind of Senate all-star who deserves a full-dress curtain call. He deserves toasts and a dinner and a big farewell party. I regret that in these bizarre pandemic times, a floor speech will have to suffice, at least right now.

So, Phil, thank you for your years of dedication to the State we both love. We will miss your brain. We will miss your heart. You are leaving behind one heck of a fan club all throughout the U.S. Senate. We wish you all the best in the chapters ahead.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Fernando L. Aenlle-Rocha, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Oklahoma.

DECEMBER 19

Mr. INHOFE. Mr. President, I want to make an observation here because I have been serving for quite some time in the U.S. Senate, and a lot of the things that are said on the Senate floor are not really all that significant, and yet the Members who are delivering messages believe they are or they wouldn't be doing it. This is what it is all about. This is a deliberative body. Some things are maybe not all that significant, but what I am about to say is significant, so I would like to have the attention of anyone who wants to know that in the midst of all of the problems that we are facing now, some good things are happening.

I want to mention something that is significant that I don't think you have thought of, I say to the Presiding Officer; that is, tomorrow is the 354th day of the year, and that is very significant. That is December 19. People have not stopped to realize the significant things that have happened on December 19 throughout our history and the history of the world, going all the way back to December 19 of the year 1154. That is when Henry II became King of England. We haven't really thought about what that means to us today, but we will before long.

In 1843, December 19, Charles Dickens wrote ''A Christmas Carol.'' That is the most watched, listened to, and sung event every Christmas. And it has been for all that time.

In 1932, December 19, the British Broadcasting Corporation—that is the BBC; we are all familiar with that—but that is when it started. On December 19, they began transmitting overseas. That was the beginning of a whole new world of knowledge and understanding.

In 1950, December 19, NATO named General Dwight D. Eisenhower as supreme commander of the Western European defense forces.

Then, in 1972, December 19, *Apollo 17*, the last of the *Apollo* moon landings, returned to Earth.

Then, in 1984, December 19—I remember this well because I was in Hong Kong when this happened—that was when China signed an accord returning Hong Kong to the Chinese sovereignty. A lot of people thought it was a good idea at the time to accept the people from Hong Kong. I was there, and look what has happened now after all these years. I would have to say that created a hysteria that has continued to this day.

Then, in 1998, December 19, U.S. President Bill Clinton was impeached. I was there for that one too. That was December 19, 1998.

The event that is more significant by a landslide is what happened on December 19 of 1959. On December 19, 1959, my wife Kay and I got married. That makes tomorrow our 61st wedding anniversary. Just look at all of the beauty that has followed us—20 kids and grandkids, all of that in a 61-year period of time.

What I want to say is the beautiful life that we are still having together—and, Kay, I love you more now than I did 61 years ago.

I say to the Senate leadership that you better get this last vote done by tonight or you will have to do it without me because I am going to be with Kay on our anniversary on Saturday, our 61st wedding anniversary.

To everyone else out there, as you celebrate the birth of Christ at Christmastime, I am going to say to you: Merry Christmas and God bless you.

I yield the floor.

The PRESIDING OFFICER. The assistant minority leader.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. DURBIN. Mr. President, I am sorry I didn't come to the floor quickly enough to wish my friend Jim Inhofe and his wife the best. He is one of the real contributors in the U.S. Senate and has been for years. He is a special individual. He decided to take an interest in the continent of Africa. I don't know that there is another Senator who knows as much about that continent as he does. He has been there so many times. His stories, many of them, relate to countries that few people have heard of. He has made a special point to understand that continent, the people on it, in addition to his responsibilities serving the State of Oklahoma and, of course, now, as chairman of the Armed Services Committee, his responsibility for funding the Department of Defense. He and our Democratic colleague, Senator JACK REED of Rhode Island, have done a remarkable bipartisan job on that Defense authorization, let me add.

I sincerely hope that the President will sign that bill. His objections to it have nothing to do with the military or defense of our country. They relate to issues which are thorny, political issues that shouldn't slow down these critical programs.

This authorization bill comes at an exceptional time. We have been learning over the last few weeks about a massive cyber security breach of our government, probably by the Russians. It has all the earmarks and fingerprints of Vladimir Putin project to compromise our national security and to create chaos whenever possible. We learned of it 4 years ago in the 2016 election, when every intelligence agency of our government agreed that the Russians were meddling in our election and doing their best to subvert the will of the American people.

We made strong statements in opposition to it, and we took action. Some of it has been publicly reported, and some of it has been disclosed to Members of Congress in a classified setting.

We were successful in thwarting their efforts in the 2018 election. I want to salute all of those who were responsible for that effort. In 2020, I believe the same can be said. We will know more as we sift through the evidence.

This latest disclosure is really troubling. We believe that beginning in March of this year, the Russians started compromising our cyber security network in many different ways. Every day there is a new disclosure of another agency that reports that they have somehow wheedled their way into this important, critical information. How much they know, what they have gained, how much they have compromised us, we don't know yet. It certainly is unnerving, and it deserves a very thorough—thorough—investigation as to how we failed.

You see, the United States was not taking anything for granted. We were literally spending billions—billions—of dollars for the safety of the security systems. We knew that included in those systems was information which is essential for the protection of the United States. To think that has been compromised at the hands of one of our implacable foes is certainly unnerving. I believe we should initiate a thorough and complete investigation, let the chips fall where they may, establish where we have failed from a technology viewpoint, and if any individuals are responsible, that they be held accountable.

At the same time, I have to say that I join the Presiding Officer in commenting on one particular aspect of this that I just can't understand. The White House has been virtually silent as all of these facts have unfolded by the day. I cannot understand that—why the Commander in Chief of the United States of America has not spoken out forcefully against the Russians for their involvement in this cyber security breach, why he has not likened this to a virtual invasion of the United States when it comes to our own national security. I believe that we should have been firm from the beginning and honest with the American people, as well, about the nature of this threat. Instead, this President has been silent.

I recall not that long ago, a few months ago, we disclosed—we found evidence that the Russians were offering bounties on the heads of American soldiers in Afghanistan. It is an outrageous and unthinkable act. Yet the White House was silent, refused to respond to what I know—because I have seen it—was credible evidence that this was linked directly to Moscow and the operatives of the Russian Government. The attempted assassination of Navalny, the dissident in Russia, has been well documented. Yet, again, our White House, our President are silent. I don't understand it.

I am hopeful that the new President, Joe Biden, when he takes office January 20, will make it a priority to establish a new understanding and relationship with Vladimir Putin. The United States cannot be a victim of Putin over and over again without speaking out—and more. I am counting on Joe Biden to do that. I believe he will. He is a realist. I know he wants peace in the world, and I do, too, but we also must defend this country. The men and women in uniform who risk their lives every single day should be our highest priority.

I am heartened by Joe Biden's closing that he is using in all of his public speeches now. He, of course, says it more artfully than I will, but he calls on God to bless America but also God to keep our troops safe. I am sure it has special meaning to him since the death of his son Beau is a reminder of the sacrifices that not only the men and women in uniform but their families make for us every single day. I hope that continues to be the watchword of his administration.

CORONAVIRUS

Mr. President, there is not much activity on the floor of the Senate today. I hope there will be before the end of the day. The leaders in the Senate and House—Democrat and Republican—as well as the White House, with Treasury Secretary Mnuchin, are fast at work, we are told, establishing a COVID–19 relief bill.

I was part of an effort, which the Presiding Officer also shared in. It was a volunteer activity that involved about 3 weeks of endless telephone conferences and Zoom calls. Staff supported us all the way or we couldn't have done it.

But it started off with eight of us eating dinner one night and deciding to come together as a group to see if we could break the logjam. The whole notion of COVID–19 relief was dead in the water for some reason—no action, no activity.

We remember back in March when Congress—particularly, I remember the Senate, by a vote of 96 to 0, passed, on a bipartisan basis, the largest relief bill in the history of the United States. It was over $3 trillion in the CARES

Act, which was for addressing and fighting the pandemic as its first priority, but, secondly, trying to rescue our floundering economy.

Thank goodness we did that, and we came together. We hoped that it would be a short-lived requirement, but it turned out to be much longer. Many of us anticipated that by the middle of this year things would have come under control. We know, sadly, that is not the case.

There has been a call ever since to step back into this theater of confrontation with this pandemic and the weakening economy. But for some reason—and I won't point fingers—we have been unable to reach any bipartisan agreement.

Well, eight of us willful Senators—four Democrats and four Republicans—set out to try and get the conversation started and see what we could agree on. It was a great experience. Even though there were parts of it where we could not agree, and there was a lot of frustration, there was also a lot that was constructive and encouraging.

At the end of the day, we produced two documents. One of these documents was a $748 billion consensus document, which spelled out the things that we thought were essential as part of any COVID relief package—extending unemployment benefits for 16 weeks, including for about 160,000 people in my State who claim the pandemic unemployment assistance and 248,000 who claim pandemic emergency unemployment compensation. Millions of Americans—12 million Americans will lose their unemployment compensation on the day after Christmas. Imagine that.

We also, in this bill, provided assistance for small businesses, including the second round of Paycheck Protection Program loans for the hardest hit businesses; extended the eviction moratorium through January 31, 2021, providing emergency rental assistance to help families stay in their homes; provided funding for hospitals and clinics for testing and to quickly and fairly distribute vaccines, including $500 million to Illinois for testing and vaccine distribution and $1.5 billion for Illinois hospitals and healthcare providers.

We provided $82 billion nationwide for education—$54 billion for K–12, $20 billion for higher ed. We extended the Federal student loan forbearance from its current expiration, January 31, 2021, through April 30, 2021.

We provided $10 billion nationwide of much needed support for the struggling childcare sector.

We addressed hunger by increasing SNAP benefits for nearly 2 million individuals in my State and millions more across the United States and by providing funding for food banks and senior nutrition programs, serving more than 1.5 million people in Illinois.

We provided billions for transit, including hundreds of millions of dollars for Illinois transit agencies and help for Amtrak as well. We provided billions for airports, including millions of dollars for Illinois airports and airline relief as well. We provided more than $1 billion in funding for Amtrak to prevent further furloughs, provided millions in payroll support to protect jobs of thousands of Illinois airline workers, and provided funding to help struggling Illinois bus companies keep their workers on the job.

That is not the end of the list, by any means. Part of the money we put in here was for the logistics of the vaccinations which are now taking place across the United States. We provided some. I think the negotiators are adding to the amount, and I applaud them for that.

What we left out of this, I think, was significant too. We did not provide any direct assistance to State and local governments. This morning, I got on the telephone with a group that has been kind enough to volunteer for many years to consider the applications of individuals in Illinois who want to attend our service academies. Some of these people have been doing this for 20 years. I really respect them and thank them for doing it. I tried to take myself out of that consideration so no one can ever claim political consideration was taken in any way.

One of the persons who did part of the meeting this morning was Skip Lee. Skip is the mayor of Sterling, IL. He said to me: Senator, can you provide any help for COVID relief for towns like Sterling, IL?

I said: Skip, there will be some help, I think, but it won't be the kind of help that I wanted.

I do believe we should help State and local governments. I have been reminded by the Presiding Officer and others that every State is not the same, every locality is not the same. Some have suffered real losses in revenue directly related to COVID–19 and some have prospered. It just depends on your circumstances.

In my circumstance, the State of Illinois has paid a heavy price as a State and in the localities as well. We do not include the direct relief for State and local governments, which I hoped would be part of this agreement.

I hope we can return to that issue soon, very quickly—after the first of the year, perhaps, with the new President—and find a way to provide this relief.

The alternative is awful. I know what is going to happen to a lot of the local budgets. Police officers are going to be furloughed—firefighters, teachers, healthcare workers—just at a moment in time when we need them the most. Many of these communities will be unable to continue providing those very fundamental services to keep us safe. I hope we can get back to that as quickly as possible.

Finally, let me say that we are all anxious to fund this government at midnight tonight when the continuing resolution, which we passed several months, ago expires. It would be a real tragedy if we saw this government come to a close for any reason at any time. And certainly, at this moment, when our economy is so tenuous and our worries are so large over the healthcare of our Nation, we shouldn't allow this to occur. I pray that the negotiators will be able to spend good time today and report to us soon that they have reached an agreement. It is time for us to get our work done.

And like Senator INHOFE, who is going home for his 61st anniversary, many of us are anxious to return to our homes and families. We won't have the expansive Christmas this year that we have had in the past. We won't be reuniting with children and grandchildren who really make the holiday, but we are looking at the long run. The long run is we want to be around for next Christmas. Instead of one tree, we are going to have two to make up for this year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CRUZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2019

Mr. CRUZ. Mr. President, in a few moments, I am going to ask unanimous consent for the Senate to pass S. 2800, which is the bipartisan NASA Authorization Act. Before doing so, I want to make some brief remarks about how important this legislation is to American leadership in space and to our continued space exploration efforts.

Well over a year ago, I joined with Chairman WICKER, Ranking Member CANTWELL, and Subcommittee on Aviation and Space Ranking Member SINEMA, and we began writing the NASA Authorization Act, using as a foundation the bipartisan bill that I had previously authored with Senators CORNYN, RUBIO, MARKEY, and then-Senator Bill Nelson, from the last Congress, as our starting point. We solicited input from hundreds of stakeholders, from individuals and academics to industry partners and even our international allies. Hundreds of pages of suggestions, proposed edits, and comments were submitted. Over many months, our staffs worked diligently through each and every submission, trying to incorporate the feedback to the greatest extent possible, and what resulted is this bill, which was marked up last year and unanimously reported.

What we have achieved together is legislation that enjoys deep and broad bipartisan support and that sets bold goals for NASA and the United States in space. It provides the direction and

the infrastructure necessary to meet them. I am very proud of the work we have done together and of this legislation we have assembled, and I want to express particular thanks to Senators WICKER, CANTWELL, and SINEMA and to their staffs for their hard work.

Our bill strengthens U.S. leadership in space, ensuring that we remain the default space exploration partner of the world. It extends the life of the International Space Station through 2030, and it challenges us to be the international leader for lunar and Mars exploration and to reach new horizons.

It is not just human exploration, though. By working in a collegial and good-faith manner, we were able to craft a product that strengthens all of NASA's core missions—something which benefits not just States with strong NASA equities but every American. It is amazing what strong, unified leadership can do to bring the Members of this body together, working to pass vitally important legislation that advances science and technology and national security and the interests of our Nation.

I want to say again how grateful I am to my colleagues who worked on this bill with me and to state just how proud I am that the Senate is speaking with one, unified voice in passing this legislation. This is following a tradition that we have seen in the past 8 years I have served in this body, where, on the question of space, we have seen over and over again strong bipartisan cooperation. Even at a time when partisan division pulls us apart in so many other areas, on the question of America's leading the world in space, the U.S. Senate speaks with one voice.

We have a real opportunity here to boldly shape the Nation's space exploration efforts, to inspire new generations of little boys and little girls gazing up at the stars and wondering what is out there, and to make the United States a true space-faring nation.

While this bill is not going to pass the House of Representatives during the remainder of this Congress, I look forward to the beginning of the next Congress, where we can use this unanimously approved legislation as the starting point to move quickly to pass a comprehensive NASA Authorization Act across the finish line and get it signed into law.

Mr. CARDIN. Mr. President, will the Senator from Washington and the Distinguished Ranking Democrat on the Senate Commerce, Science and Transportation Committee yield for a colloquy on some issues related to the committee's substitute for S. 2800?

Ms. CANTWELL. I would be delighted to yield to the senior Senator from Maryland and his colleague, Senator VAN HOLLEN.

Mr. CARDIN. The Commerce Committee substitute, as proposed, contains three provisions that are cause for concern for my colleague and me. I would yield to my colleague from Maryland, a distinguished member of the Appropriations Subcommittee that funds NASA, to outline these concerns.

Mr. VAN HOLLEN. I thank my colleague. First, section 702 references how NASA should select multi-institution consortia and university affiliated research centers, inserting Congress into an agency-specific process that is broadly governed by existing authorities in title 5 and title 41 of the U.S. Code, which make such selections based on technical merit alone and not political influence. We are deeply concerned about the committee's explicit delineation of this authority for NASA, given that such authority already exists and NASA currently does not have any university affiliated research centers so designated. We believe that such language should never become law as it implies that Congress is trying to force NASA to establish such a center or consortia even though NASA does not see the need for one.

Second, sections 818 and 819 call for short order reports from NASA on creating a Space Resources Institute and Center for Space Weather Technology that could allow NASA to bypass extensive consultation with the scientific and aerospace communities and without the benefit of independent peer review under the auspices of the National Academy of Sciences.

These are the concerns my colleague and I have.

Mr. CARDIN. Will the Senator from Washington confirm that it is not the committee's intention or desire to force NASA to establish a university affiliated research center or to see either sections 818 or section 819 enacted without sufficient peer review, to avoid even the appearance of a perception that any favorable recommendation is predesignated for a specific institution or set of institutions?

Ms. CANTWELL. The Senator from Maryland is correct. The Commerce Committee has no intention of trying to pressure NASA to establish a university affiliated research center unless NASA leadership identifies a technical need for a mission requirement that the agency cannot satisfy through the standard competitive processes. In addition, the intended results of the reports called for in sections 818 and 819 should not be viewed as seeking to avoid either peer review by the National Academy of Sciences or very broad consultation with the scientific and aerospace communities.

Mr. CARDIN. I thank the Senator for her assurances and ask her, knowing that the future of this bill's fate in this Congress is uncertain, if she will agree that she will work with my colleague from Maryland and me to fix these provisions to our satisfaction early in the next Congress before a new NASA authorization bill is introduced?

Ms. CANTWELL. The Senator has my assurance to work to accommodate his concerns and those of his colleague from Maryland before we proceed on any comparable legislation in the 117th Congress.

Mr. CRUZ. Therefore, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 525, S. 2800.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2800) to authorize programs of the National Aeronautics and Space Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2019''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise expressly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CISLUNAR SPACE.—The term ''cislunar space'' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, including cislunar space.

(6) DEVELOPMENT COST.—The term ''development cost'' has the meaning given the term in section 30104 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has entered into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described in section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

(12) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Act of 2010 (42 U.S.C. 18322).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administration for fiscal year 2020 $22,750,000,000 as follows:

(1) For Exploration, $6,222,600,000.

(2) For Space Operations, $4,150,200,000.

(3) For Science, $6,905,700,000.

(4) For Aeronautics, $783,900,000.

(5) For Space Technology, $1,076,400,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, $112,000,000.

(7) For Safety, Security, and Mission Services, $2,934,800,000.

(8) For Construction and Environmental Compliance and Restoration, $524,400,000.

(9) For Inspector General, $40,000,000.

TITLE II—HUMAN SPACEFLIGHT AND EXPLORATION

SEC. 201. ADVANCED CISLUNAR AND LUNAR SURFACE CAPABILITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) commercial entities in the United States have made significant investment and progress toward the development of human-class lunar landers;

(2) NASA developed the Artemis program—

(A) to fulfill the goal of landing United States astronauts, including the first woman and the next man, on the Moon; and

(B) to collaborate with commercial and international partners to establish sustainable lunar exploration by 2028; and

(3) in carrying out the Artemis program, the Administration should ensure that the entire Artemis program is inclusive and representative of all people of the United States, including women and minorities.

(b) LANDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall foster the flight demonstration of not more than 2 human-class lunar lander designs through public-private partnerships.

(2) INITIAL DEVELOPMENT PHASE.—The Administrator may support the formulation of more than 2 concepts in the initial development phase.

(c) REQUIREMENTS.—In carrying out the program under subsection (b), the Administrator shall—

(1) enter into industry-led partnerships using a fixed-price, milestone-based approach;

(2) to the maximum extent practicable, encourage reusability and sustainability of systems developed;

(3) ensure availability of 1 or more lunar polar science payloads for a demonstration mission; and

(4) to the maximum extent practicable, offer existing capabilities and assets of NASA centers to support these partnerships.

SEC. 202. SPACE LAUNCH SYSTEM CONFIGURATIONS.

(a) MOBILE LAUNCH PLATFORM.—The Administrator is authorized to maintain 2 operational mobile launch platforms to enable the launch of multiple configurations of the Space Launch System.

(b) EXPLORATION UPPER STAGE.—To meet the capability requirements under section 302(c)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall continue development of the Exploration Upper Stage for the Space Launch System with a scheduled availability sufficient for use on the third launch of the Space Launch System.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on the development and scheduled availability of the Exploration Upper Stage for the third launch of the Space Launch System.

(d) MAIN PROPULSION TEST ARTICLE.—To meet the requirements under section 302(c)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(3)), the Administrator shall—

(1) immediately on completion of the first full-duration integrated core stage test of the Space Launch System, initiate development of a main propulsion test article for the integrated core stage propulsion elements of the Space Launch System;

(2) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a detailed plan for the development and operation of such main propulsion test article; and

(3) use existing capabilities of NASA centers for the design, manufacture, and operation of the main propulsion test article.

SEC. 203. ADVANCED SPACESUITS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that next-generation advanced spacesuits are a critical technology for human space exploration and use of low-Earth orbit, cislunar space, the surface of the Moon, and Mars.

(b) DEVELOPMENT PLAN.—The Administrator shall establish a detailed plan for the development and manufacture of advanced spacesuits, consistent with the deep space exploration goals and timetables of NASA.

(c) DIVERSE ASTRONAUT CORPS.—The Administrator shall ensure that spacesuits developed

and manufactured after the date of the enactment of this Act are capable of accommodating a wide range of sizes of astronauts so as to meet the needs of the diverse NASA astronaut corps.

(d) ISS USE.—Throughout the operational life of the ISS, the Administrator should fully use the ISS for testing advanced spacesuits.

(e) PRIOR INVESTMENTS.—

(1) IN GENERAL.—In developing an advanced spacesuit, the Administrator shall, to the maximum extent practicable, partner with industry-proven spacesuit design, development, and manufacturing suppliers and leverage prior and existing investments in advanced spacesuit technologies to maximize the benefits of such investments and technologies.

(2) AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out this subsection, the Administrator may enter into 1 or more agreements with 1 or more private entities for the manufacture of advanced spacesuits, as the Administrator considers appropriate.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter until NASA procures advanced spacesuits under this section, the Administrator shall brief the appropriate committees of Congress on the development plan in subsection (b).

SEC. 204. LIFE SCIENCE AND PHYSICAL SCIENCE RESEARCH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the 2011 decadal survey on biological and physical sciences in space identifies—

(A) many areas in which fundamental scientific research is needed to efficiently advance the range of human activities in space, from the first stages of exploration to eventual economic development; and

(B) many areas of basic and applied scientific research that could use the microgravity, radiation, and other aspects of the spaceflight environment to answer fundamental scientific questions;

(2) given the central role of life science and physical science research in developing the future of space exploration, NASA should continue to invest strategically in such research to maintain United States leadership in space exploration; and

(3) such research remains important to the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—In support of the goals described in section 20302 of title 51, United States Code, the Administrator shall continue to implement a collaborative, multidisciplinary life science and physical science fundamental research program—

(A) to build a scientific foundation for the exploration and development of space;

(B) to investigate the mechanisms of changes to biological systems and physical systems, and the environments of those systems in space, including the effects of long-duration exposure to deep space-related environmental factors on those systems;

(C) to understand the effects of combined deep space radiation and altered gravity levels on biological systems so as to inform the development and testing of potential countermeasures;

(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program;

(E) to provide scientific opportunities to educate, train, and develop the next generation of researchers and engineers; and

(F) to provide state-of-the-art data repositories and curation of large multi-data sets to enable comparative research analyses.

(2) ELEMENTS.—The program under paragraph (1) shall—

(A) include fundamental research relating to life science, space bioscience, and physical science; and

(B) maximize intra-agency and interagency partnerships to advance space exploration, scientific knowledge, and benefits to Earth.

(3) USE OF FACILITIES.—In carrying out the program under paragraph (1), the Administrator may use ground-based, air-based, and space-based facilities in low-Earth orbit and beyond low-Earth orbit.

SEC. 205. ACQUISITION OF DOMESTIC SPACE TRANSPORTATION AND LOGISTICS RESUPPLY SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator shall not enter into any contract with a person or entity that proposes to use, or will use, a foreign launch provider for a commercial service to provide space transportation or logistics resupply for—

(1) the ISS; or

(2) any Government-owned or Government-funded platform in Earth orbit or cislunar space, on the lunar surface, or elsewhere in space.

(b) EXCEPTION.—The Administrator may enter into a contract with a person or entity that proposes to use, or will use, a foreign launch provider for a commercial service to carry out an activity described in subsection (a) if a domestic vehicle or service is unavailable.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator from entering into 1 or more no-exchange-of-funds collaborative agreements with an international partner in support of the deep space exploration plan of NASA.

SEC. 206. ROCKET ENGINE TEST INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall carry out a program to modernize rocket propulsion test infrastructure at NASA facilities—

(1) to increase capabilities;

(2) to enhance safety;

(3) to support propulsion development and testing; and

(4) to foster the improvement of Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—

(1) infrastructure and other facilities and systems relating to rocket propulsion test stands and rocket propulsion testing;

(2) enhancements to test facility capacity and flexibility; and

(3) such other projects as the Administrator considers appropriate to meet the goals described in subsection (a).

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) prioritize investments in projects that enhance test and flight certification capabilities for large thrust-level atmospheric and altitude engines and engine systems, and multi-engine integrated test capabilities; and

(2) ensure that no project carried out under this program shall adversely impact, delay, or defer testing or other activities associated with facilities used for Government programs, including—

(A) the Space Launch System and the Exploration Upper Stage of the Space Launch System;

(B) in-space propulsion to support exploration missions; or

(C) nuclear propulsion testing.

(d) SAVINGS CLAUSE.—Nothing in this section shall preclude a NASA program, including the Space Launch System and the Exploration Upper Stage of the Space Launch System, from using the modernized test infrastructure developed under this section.

SEC. 207. INDIAN RIVER BRIDGE.

(a) IN GENERAL.—The Administrator, in coordination with the heads of other Federal agencies that use the Indian River Bridge on the NASA Causeway, shall develop a plan to ensure that a bridge over the Indian River at such location provides access to the Eastern Range for national security, civil, and commercial space operations.

(b) FEE OR TOLL DISCOURAGED.—The plan shall strongly discourage the imposition of a user fee or toll on a bridge over the Indian River at such location.

SEC. 208. VALUE OF INTERNATIONAL SPACE STATION AND CAPABILITIES IN LOW-EARTH ORBIT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(2) low-Earth orbit should be used as a test bed to advance human space exploration and scientific discoveries; and

(3) the ISS is a critical component of economic, commercial, and industrial development in low-Earth orbit.

(b) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the ISS.

SEC. 209. EXTENSION AND MODIFICATION RELATING TO INTERNATIONAL SPACE STATION.

(a) POLICY.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ''2024'' and inserting ''2030''.

(b) MAINTENANCE OF UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended—

(1) in paragraph (1), in the first sentence—

(A) by striking ''As soon as practicable'' and all that follows through ''2011,'' and inserting ''The''; and

(B) by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(2) in paragraph (2), in the third sentence, by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(d) MAINTENANCE OF USE.—

(1) IN GENERAL.—Section 70907 of title 51, United States Code, is amended—

(A) in the section heading, by striking ''**2024**'' and inserting ''**2030**'';

(B) in subsection (a), by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(C) in subsection (b)(3), by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(e) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code is amended—

(1) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(2) in subparagraph (J), by striking ''2028'' and inserting ''2030''.

(f) ELIMINATION OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.—Section 70906 of title 51, United States Code, is repealed.

(g) CONFORMING AMENDMENTS.—Chapter 709 of title 51, United States Code, is amended—

(1) by redesignating section 70907 as section 70906; and

(2) in the table of sections for the chapter, by striking the items relating to sections 70906 and 70907 and inserting the following:

''70906. Maintaining use through at least 2030.''.

SEC. 210. DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall—

(1) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the ISS as of the date of the review; and

(2) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 211. LOW-EARTH ORBIT COMMERCIALIZATION.

(a) STATEMENT OF POLICY.—It is the policy of the United States to encourage the development of a thriving and robust United States commercial sector in low-Earth orbit.

(b) PREFERENCE FOR UNITED STATES COMMERCIAL PRODUCTS AND SERVICES.—The Administrator shall continue to increase the use of assets, products, and services of private entities in the United States to fulfill the low-Earth orbit requirements of the Administration.

(c) NONCOMPETITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not offer to a foreign person or a foreign government a spaceflight product or service relating to the ISS, if a comparable spaceflight product or service, as applicable, is offered by a private entity in the United States.

(2) EXCEPTION.—The Administrator may offer a spaceflight product or service relating to the ISS to the government of a country that is a signatory to the Agreement Among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed at Washington January 29, 1998, and entered into force on March 27, 2001 (TIAS 12927).

(d) SHORT-DURATION COMMERCIAL MISSIONS.—To provide opportunities for additional transport of astronauts to the ISS and help establish a commercial market in low-Earth orbit, the Administrator may permit short-duration missions to the ISS for commercial passengers.

(e) PROGRAM AUTHORIZATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a low-Earth orbit commercialization program to encourage the fullest commercial use and development of space by private entities in the United States.

(2) ELEMENTS.—The program established under paragraph (1) shall, to the maximum extent practicable, include activities—

(A) to stimulate demand for—

(i) space-based commercial research, development, and manufacturing;

(ii) spaceflight products and services; and

(iii) human spaceflight products and services in low-Earth orbit;

(B) to improve the capability of the ISS to accommodate commercial users; and

(C) subject to paragraph (3), to foster the development of commercial space stations and habitats.

(3) COMMERCIAL SPACE STATIONS AND HABITATS.—

(A) PRIORITY.—With respect to an activity to develop a commercial space station or habitat, the Administrator shall give priority to an activity for which a private entity provides a share of the cost to develop and operate the activity.

(B) LIMITATION.—The Administrator may not provide funding for the development of a commercial space station or habitat until after the date on which the Administrator awards a contract for the use of a docking port on the ISS.

(C) REPORT.—Not later than 30 days after the date that an award or agreement is made to carry out an activity to develop a commercial space station or habitat, the Administrator shall submit to the appropriate committees of Congress a report on the development of the commercial space station or habitat, as applicable, that includes—

(i) a business plan that describes the manner in which the project will—

(I) meet the future requirements of NASA for low-Earth orbit human space-flight services; and

(II) fulfill the cost-share funding prioritization under subparagraph (A); and

(ii) a review of the viability of the operational business case, including—

(I) the level of expected Government participation;

(II) a list of anticipated nongovernmental an international customers and associated contributions; and

(III) an assessment of long-term sustainability for the nongovernmental customers, including an independent assessment of the viability of the market for such commercial services or products.

SEC. 212. MAINTAINING A NATIONAL LABORATORY IN SPACE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States segment of the International Space Station (as defined in section 70905 of title 51, United States Code), which is designated as a national laboratory under section 70905(b) of title 51, United States Code—

(A) benefits the scientific community and promotes commerce in space;

(B) fosters stronger relationships among NASA and other Federal agencies, the private sector, and research groups and universities;

(C) advances science, technology, engineering, and mathematics education through use of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

(2) after the ISS is decommissioned, the United States should maintain a national microgravity laboratory in space;

(3) in maintaining a national microgravity laboratory in space, the United States should make appropriate accommodations for different types of ownership and operation arrangements for the ISS and future space stations;

(4) to the maximum extent practicable, a national microgravity laboratory in space should be maintained in cooperation with international space partners; and

(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cislunar space, orbital and suborbital flights, drop towers, and other microgravity testing environments.

(b) REPORT.—The Administrator, in coordination with the National Space Council and other Federal agencies as the Administrator considers appropriate, shall issue a report detailing the feasibility of establishing a microgravity national laboratory federally funded research and development center to carry out activities relating to the study and use of in-space conditions.

SEC. 213. INTERNATIONAL SPACE STATION NATIONAL LABORATORY; PROPERTY RIGHTS IN INVENTIONS.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

''§ 20150. Property rights in designated inventions

''(a) EXCLUSIVE PROPERTY RIGHTS.—Notwithstanding section 3710a of title 15, chapter 18 of title 35, section 20135, or any other provision of law, a designated invention shall be the exclusive property of a user, and shall not be subject to a Government-purpose license, if—

''(1) the Administration is reimbursed under the terms of the contract for the full cost of a contribution by the Federal Government of the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d));

''(2) Federal funds are not transferred to the user under the contract; and

''(3) the invention was made (as defined in section 20135(a))—

''(A) solely by the user; or

''(B)(i) by the user with the services of a Federal employee under the terms of the contract; and

''(ii) the Administration is reimbursed for such services under paragraph (1).

''(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the rights of the Federal Government, including property rights in inventions, under any contract, except in the case of a written contract with the Administration or the ISS management entity for the performance of a designated activity.

''(c) DEFINITIONS.—In this section—

''(1) CONTRACT.—The term 'contract' has the meaning giving the term in section 20135(a).

''(2) DESIGNATED ACTIVITY.—The term 'designated activity' means any non-NASA scientific use of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354).

''(3) DESIGNATED INVENTION.—The term 'designated invention' means any invention conceived or first reduced to practice by any person in the performance of a designated activity under a written contract with the Administration or the ISS management entity.

''(4) GOVERNMENT-PURPOSE LICENSE.—The term 'Government-purpose license' means the reservation by the Federal Government of an irrevocable, nonexclusive, nontransferable, royalty-free license for the use of an invention throughout the world by or on behalf of the United States or any foreign government pursuant to a treaty or agreement with the United States.

''(5) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' means the organization with which the Administrator enters into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

''(6) USER.—The term 'user' means a person, including a nonprofit organization or small business firm (as such terms are defined in section 201 of title 35), or class of persons that enters into a written contract with the Administration or the ISS management entity for the performance of designated activities.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20149 the following:

''20150. Property rights in designated inventions.''.

SEC. 214. DATA FIRST PRODUCED DURING NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.

(a) DATA RIGHTS.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 213, is further amended by adding at the end the following:

''§ 20151. Data rights

''(a) NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.—The Federal Government may not use or reproduce, or disclose outside of the Government, any data first produced in the performance of a designated activity under a written contract with the Administration or the ISS management entity, unless—

''(1) otherwise agreed under the terms of the contract with the Administration or the ISS management entity, as applicable;

''(2) the designated activity is carried out with Federal funds;

''(3) disclosure is required by law;

''(4) the Federal Government has rights in the data under another Federal contract, grant, cooperative agreement, or other transaction; or

''(5) the data is—

''(A) otherwise lawfully acquired or independently developed by the Federal Government;

''(B) related to the health and safety of personnel on the ISS; or

''(C) essential to the performance of work by the ISS management entity or NASA personnel.

''(b) DEFINITIONS.—In this section:

''(1) CONTRACT.—The term 'contract' has the meaning given the term under section 20135(a).

''(2) DATA.—

''(A) IN GENERAL.—The term 'data' means recorded information, regardless of form or the media on which it may be recorded.

''(B) INCLUSIONS.—The term 'data' includes technical data and computer software.

''(C) EXCLUSIONS.—The term 'data' does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

''(3) DESIGNATED ACTIVITY.—The term 'designated activity' has the meaning given the term in section 20150.

''(4) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' has the meaning given the term in section 20150.''.

(b) SPECIAL HANDLING OF TRADE SECRETS OR CONFIDENTIAL INFORMATION.—Section 20131(b)(2) of title 51, United States Code, is amended to read as follows:

''(2) INFORMATION DESCRIBED.—

''(A) ACTIVITIES UNDER AGREEMENT.—Information referred to in paragraph (1) is information that—

''(i) results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113; and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

''(B) CERTAIN DATA.—Information referred to in paragraph (1) includes data (as defined in section 20151) that—

''(i) was first produced by the Administration in the performance of any designated activity (as defined in section 20150); and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the data had been obtained from a non-Federal party.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section 213, is further amended by inserting after the item relating to section 20150 the following:

''20151. Data rights.''.

SEC. 215. ROYALTIES AND OTHER PAYMENTS RECEIVED FOR DESIGNATED ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should determine a threshold for which it may be appropriate for NASA to recoup the costs of supporting the creation of invention aboard the ISS, through the negotiation of royalties, similar to agreements made by other Federal agencies that support private sector innovation.

(b) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by sections 213 and 214, is further amended by adding at the end the following:

''§ 20152. Royalties and other payments received for designated activities

''(a) DESIGNATED INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, if the Administration, under the terms of a written contract for the performance of a designated activity, agrees to provide, unreimbursed, the total cost of a contribution by the Federal Government of the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)), the Administrator shall negotiate an agreement on the terms and rates of royalty payments with respect to an invention or class of inventions conceived or first reduced to practice by any person or class of persons in the performance of such designated activities.

''(b) LICENSING AND ASSIGNMENT OF INVENTIONS.—Notwithstanding sections 3710a and 3710c of title 15 and any other provision of law, after payment in accordance with subsection (A)(i) of such section 3710c(a)(1)(A)(i) to the inventors who have directly assigned to the Federal Government their interests in an invention under a written contract with the Administration or the ISS management entity for the performance of a designated activity, the balance of any royalty or other payment received by the Administrator or the ISS management entity from licensing and assignment of such invention shall be paid by the Administrator or the ISS management entity, as applicable, to the Space Exploration Fund.

''(c) SPACE EXPLORATION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'Space Exploration Fund' (referred to in this subsection as the 'Fund'), to be administered by the Administrator.

''(2) USE OF FUND.—The Fund shall be available without fiscal year limitation and without further appropriation to carry out space exploration activities under section 20302.

''(3) DEPOSITS.—There shall be deposited in the Fund—

''(A) amounts appropriated to the Fund;

''(B) fees and royalties collected by the Administrator or the ISS management entity under subsections (a) and (b); and

''(C) donations or contributions designated to support authorized activities.

''(4) RULE OF CONSTRUCTION.—Amounts available to the Administrator under this subsection shall be in addition to amounts otherwise made available for the purpose described in paragraph (2).

''(d) DEFINITIONS.—The terms used in this section have the meanings given the terms in section 20150.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by sections 213 and 214, is further amended by inserting after the item relating to section 20151 the following:

''20152. Royalties and other payments received for designated activities.''.

SEC. 216. STEPPINGSTONE APPROACH TO EXPLORATION.

(a) IN GENERAL.—Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Steppingstone approach to exploration

''(a) IN GENERAL.—The Administrator, in sustainable steps, may conduct missions to intermediate destinations, such as the Moon, in accordance with section 20302(b), and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)), if the Administrator—

''(1) determines that each such mission demonstrates or advances a technology or operational concept that will enable human missions to Mars; and

''(2) incorporates each such mission into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note).

''(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—In conducting a mission under subsection (a), the Administrator shall—

''(1) use a combination of launches of the Space Launch System and space transportation services from United States commercial providers, as appropriate, for the mission;

''(2) plan for not fewer than 1 Space Launch System launch annually beginning after the first successful crewed launch of Orion on the Space Launch System; and

''(3) establish an outpost in orbit around the Moon that—

''(A) demonstrates technologies, systems, and operational concepts directly applicable to the space vehicle that will be used to transport humans to Mars;

''(B) has the capability for periodic human habitation; and

''(C) can function as a point of departure, return, or staging for Administration or nongovernmental or international partner missions to multiple locations on the lunar surface or other destinations.

''(c) COST-EFFECTIVENESS.—To maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging nongovernmental and international partners, to ensure that activities in the Administration's human space exploration program are balanced in order to help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(d) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delay.

''(e) INTERNATIONAL PARTICIPATION.—To achieve the goal of successfully conducting a crewed mission to the surface of Mars, the Administrator shall invite the partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

(b) DEFINITION OF CISLUNAR SPACE.—Section 10101 of title 51, United States Code, is amended by adding at the end the following:

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

SEC. 217. TECHNICAL AMENDMENTS RELATING TO ARTEMIS MISSIONS.

(a) Section 421 of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20301 note) is amended—

(1) in subsection (c)(3)—

(A) by striking ''EM–1'' and inserting ''Artemis 1'';

(B) by striking ''EM–2'' and inserting ''Artemis 2''; and

(C) by striking ''EM–3'' and inserting ''Artemis 3''; and

(2) in subsection (f)(3), by striking ''EM–3'' and inserting ''Artemis 3''.

(b) Section 432(b) of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note) is amended—

(1) in paragraph (3)(D)—

(A) by striking ''EM–1'' and inserting ''Artemis 1''; and

(B) by striking ''EM–2'' and inserting ''Artemis 2''; and

(2) in paragraph (4)(C), by striking ''EM–3'' and inserting ''Artemis 3''.

TITLE III—SCIENCE

SEC. 301. SCIENCE PRIORITIES.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the decadal surveys of the National Academies of Sciences, Engineering, and Medicine.

(b) NATIONAL ACADEMIES DECADAL SURVEYS.—Section 20305(c) of title 51, United States Code, is amended—

(1) by striking ''The Administrator shall'' and inserting the following:

''(1) REEXAMINATION OF PRIORITIES BY NATIONAL ACADEMIES.—The Administrator shall''; and

(2) by adding at the end the following:

''(2) REEXAMINATION OF PRIORITIES BY ADMINISTRATOR.—If the Administrator decides to reexamine the applicability of the priorities of the decadal surveys to the missions and activities of the Administration due to scientific discoveries or external factors, the Administrator shall consult with the relevant committees of the National Academies.''.

SEC. 302. LUNAR DISCOVERY PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to conduct lunar science research, including missions to the surface of the Moon, that materially contributes to the objective described in section 20102(d)(1) of title 51, United States Code.

(b) COMMERCIAL LANDERS.—In carrying out a program under subsection (a), the Administrator shall procure the services of commercial landers developed primarily by United States industry to land science payloads of all classes on the lunar surface.

(c) LUNAR SCIENCE RESEARCH.—The Administrator shall ensure that lunar science research carried out under subsection (a) is consistent with recommendations made by the National Academies of Sciences, Engineering, and Medicine.

(d) LUNAR POLAR VOLATILES.—In carrying out a program under subsection (a), the Administrator shall, at the earliest opportunity, consider mission proposals to evaluate the potential of lunar polar volatiles to contribute to sustainable lunar exploration.

SEC. 303. SEARCH FOR LIFE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the report entitled ''An Astrobiology Strategy for the Search for Life in the Universe'' published by the National Academies of Sciences, Engineering, and Medicine outlines the key scientific questions and methods for fulfilling the objective of NASA to search for the origin, evolution, distribution, and future of life in the universe; and

(2) the interaction of lifeforms with their environment, a central focus of astrobiology research, is a topic of broad significance to life sciences research in space and on Earth.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—The Administrator shall continue to implement a collaborative, multidisciplinary science and technology development program to search for proof of the existence or historical existence of life beyond Earth in support of the objective described in section 20102(d)(10) of title 51, United States Code.

(2) ELEMENT.—The program under paragraph (1) shall include activities relating to astronomy, biology, geology, and planetary science.

(3) COORDINATION WITH LIFE SCIENCES PROGRAM.—In carrying out the program under paragraph (1), the Administrator shall coordinate efforts with the life sciences program of the Administration.

(4) TECHNOSIGNATURES.—In carrying out the program under paragraph (1), the Administrator shall support activities to search for and analyze technosignatures.

(5) INSTRUMENTATION AND SENSOR TECHNOLOGY.—In carrying out the program under paragraph (1), the Administrator may strategically invest in the development of new instrumentation and sensor technology.

SEC. 304. JAMES WEBB SPACE TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy;

(2) the James Webb Space Telescope was developed as an ambitious project with a scope that was not fully defined at inception and with risk that was not fully known or understood;

(3) despite the major technology development and innovation that was needed to construct the James Webb Space Telescope, major negative impacts to the cost and schedule of the James Webb Space Telescope resulted from poor program management and poor contractor performance;

(4) the Administrator should take into account the lessons learned from the cost and schedule issues relating to the development of the James Webb Space Telescope in making decisions regarding the scope of and the technologies needed for future scientific missions;

(5) in selecting future scientific missions, the Administrator should take into account the impact that large programs that overrun cost and schedule estimates may have on other NASA programs in earlier phases of development; and

(6) the Administrator should continue to develop the James Webb Space Telescope with a development cost of not more than $8,802,700,000, as estimated by the James Webb Space Telescope Independent Review Board Report released in May 2018.

(b) PROJECT CONTINUATION.—

(1) IN GENERAL.—The Administrator shall continue—

(A) to closely track the cost and schedule performance of the James Webb Space Telescope project; and

(B) to improve the reliability of cost estimates and contractor performance data throughout the remaining development of the James Webb Space Telescope.

(2) KEY PROGRAM OBJECTIVE.—The Administrator shall continue to develop the James Webb Space Telescope on a schedule to meet the objective of safely launching the James Webb Space Telescope not later than March 31, 2021.

SEC. 305. WIDE-FIELD INFRARED SURVEY TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) major growth in the cost of astrophysics flagship-class missions has impacted the overall portfolio balance of the Science Mission Directorate; and

(2) the Administrator should continue to develop the Wide-Field Infrared Survey Telescope with a development cost of not more than $3,200,000,000.

(b) PROJECT CONTINUATION.—The Administrator shall continue to develop the Wide-Field Infrared Survey Telescope to meet the objectives outlined in the 2010 decadal survey on astronomy and astrophysics of the National Academies of Sciences, Engineering, and Medicine in a manner that maximizes scientific productivity based on the resources invested.

SEC. 306. SATELLITE SERVICING FOR SCIENCE MISSIONS.

(a) STUDY.—

(1) IN GENERAL.—The Administrator shall conduct a study on the feasibility of using in-space robotic refueling, repair, or refurbishment capabilities to extend the useful life of telescopes and other science missions that are operational or in development as of the date of the enactment of this Act.

(2) ELEMENTS.—The study conducted under paragraph (1) shall include the following:

(A) An identification of the technologies and in-space testing required to demonstrate the in-space robotic refueling, repair, or refurbishment capabilities described in paragraph (1).

(B) The projected cost of using such capabilities, including the cost of extended operations for science missions described in that paragraph.

(b) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall provide to the appropriate committees of Congress and the Space Studies Board of the National Academies of Sciences, Engineering, and Medicine a briefing on the results of the study conducted under subsection (a)(1).

SEC. 307. EARTH SCIENCE MISSIONS AND PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Earth Science Division of NASA plays an important role in national efforts—

(1) to collect and use Earth observations in service to society; and

(2) to understand global change.

(b) EARTH SCIENCE MISSIONS AND PROGRAMS.—With respect to the missions and programs of the Earth Science Division, the Administrator shall, to the maximum extent practicable, follow the recommendations and guidance provided by the scientific community through the decadal survey for Earth science and applications from space of the National Academies of Sciences, Engineering, and Medicine, including—

(1) the science priorities described in such survey;

(2) the execution of the series of existing or previously planned observations (commonly known as the ''program of record''); and

(3) the development of a range of missions of all classes, including opportunities for principal investigator-led, competitively selected missions.

SEC. 308. SCIENCE MISSIONS TO MARS.

(a) IN GENERAL.—The Administrator shall conduct 1 or more science missions to Mars to enable the selection of 1 or more sites for human landing.

(b) SAMPLE PROGRAM.—The Administrator may carry out a program—

(1) to collect samples from the surface of Mars; and

(2) to return such samples to Earth for scientific analysis.

(c) USE OF EXISTING CAPABILITIES AND ASSETS.—In carrying out this section, the Administrator shall, to the maximum extent practicable, use existing capabilities and assets of NASA centers.

SEC. 309. PLANETARY DEFENSE COORDINATION OFFICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Near-Earth objects remain a threat to the United States.

(2) Section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) established a requirement that the Administrator plan, develop,

and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth, with the goal of 90-percent completion of the catalogue of such near-Earth objects by December 30, 2020.

(3) The current planetary defense strategy of NASA acknowledges that such goal will not be met.

(4) The report of the National Academies of Sciences, Engineering, and Medicine entitled ''Finding Hazardous Asteroids Using Infrared and Visible Wavelength Telescopes'' issued in 2019 states that—

(A) NASA cannot accomplish such goal with currently available assets;

(B) NASA should develop and launch a dedicated space-based infrared survey telescope to meet the requirements of section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.); and

(C) the early detection of potentially hazardous near-Earth objects enabled by a space-based infrared survey telescope is important to enable deflection of a dangerous asteroid.

(5) A comprehensive survey of near-Earth objects is vital to—

(A) the national security of the United States; and

(B) the safety and security of the assets and personnel of the United States Armed Forces throughout the world.

(b) ESTABLISHMENT OF PLANETARY DEFENSE COORDINATION OFFICE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish an office within the Planetary Science Division of the Science Mission Directorate, to be known as the ''Planetary Defense Coordination Office'', to plan, develop, and implement a program to survey threats posed by near-Earth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(2) ACTIVITIES.—The Administrator shall—

(A) develop and, not later than September 30, 2025, launch a space-based infrared survey telescope that is capable of detecting near-Earth objects equal to or greater than 140 meters in diameter, with preference given to planetary missions selected by the Administrator as of the date of the enactment of this Act to pursue concept design studies relating to the development of a space-based infrared survey telescope;

(B) identify, track, and characterize potentially hazardous near-Earth objects and issue warnings of the effects of potential impacts of such objects; and

(C) assist in coordinating Government planning for response to a potential impact of a near-Earth object.

(3) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall, as appropriate, support efforts of the Administrator in carrying out this section.

(c) ANNUAL REPORT.—Section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) is amended to read as follows:

''(f) ANNUAL REPORT.—Not later than September 30, 2020, and annually thereafter through 90-percent completion of the catalogue required by subsection (d)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the following:

''(1) A summary of all activities carried out by the Planetary Defense Coordination Office established under section 309(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2019 since the date of enactment of that Act.

''(2) A description of the progress with respect to the design, development, and launch of the space-based infrared survey telescope required by section 309(b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2019.

''(3) An assessment of the progress toward meeting the requirements of subsection (d)(1).

''(4) A description of the status of efforts to coordinate planetary defense activities in response to a threat posed by a near-Earth object with other Federal agencies since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2019.

''(5) A description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(6) A summary of expenditures for all activities carried out by the Planetary Defense Coordination Office since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2019.''.

(d) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated by this Act, not more than 80 percent of amounts authorized to be appropriated for the Office of the Administrator for a fiscal year may be obligated or expended until the date on which the Administrator submits the report for such fiscal year required by section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(e) NEAR-EARTH OBJECT DEFINED.—In this section, the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

SEC. 310. SUBORBITAL SCIENCE FLIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that commercially available suborbital flight platforms enable low-cost access to a microgravity environment to advance science and train scientists and engineers under the Suborbital Research Program established under section 802(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18382(c)).

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report evaluating the manner in which suborbital flight platforms can contribute to meeting the science objectives of NASA for the Science Mission Directorate and the Human Exploration and Operations Mission Directorate.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the advantages of suborbital flight platforms to meet science objectives.

(B) An evaluation of the challenges to greater use of commercial suborbital flight platforms for science purposes.

(C) An analysis of whether commercial suborbital flight platforms can provide low-cost flight opportunities to test lunar and Mars science payloads.

SEC. 311. EARTH SCIENCE DATA AND OBSERVATIONS.

(a) IN GENERAL.—The Administrator shall make available to the public in an easily accessible electronic database all data (including metadata, documentation, models, data processing methods, images, synchronization frames, communications headers, duplicate data, and research results) of the missions and programs of the Earth Science Division of the Administration, or any successor division.

(b) OPEN DATA PROGRAM.—In carrying out subsection (a), the Administrator shall establish and continue to operate an open data program that—

(1) is consistent with the greatest degree of interactivity, interoperability, and accessibility; and

(2) enables outside communities, including the research and applications community, private industry, academia, and the general public, to effectively collaborate in areas important to—

(A) studying the Earth system and improving the prediction of Earth system change; and

(B) improving model development, data assimilation techniques, systems architecture integration, and computational efficiencies; and

(3) meets basic end-user requirements for running on public computers and networks located outside of secure Administration information and technology systems.

(c) HOSTING.—The program under subsection (b) shall use, as appropriate and cost-effective, innovative strategies and methods for hosting and management of part or all of the program, including cloud-based computing capabilities.

SEC. 312. SENSE OF CONGRESS ON SMALL SATELLITE SCIENCE.

It is the sense of Congress that—

(1) small satellites—

(A) are increasingly robust, effective, and affordable platforms for carrying out space science missions;

(B) can work in tandem with or augment larger NASA spacecraft to support high-priority science missions of NASA; and

(C) are cost effective solutions that may allow NASA to continue collecting legacy observations while developing next-generation science missions; and

(2) NASA should continue to support small satellite research, development, technologies, and programs, including technologies for compact and lightweight instrumentation for small satellites.

SEC. 313. SENSE OF CONGRESS ON COMMERCIAL SPACE SERVICES.

It is the sense of Congress that—

(1) the Administration should explore partnerships with the commercial space industry for space science missions in and beyond Earth orbit, including partnerships relating to payload and instrument hosting and commercially available datasets; and

(2) such partnerships could result in increased mission cadence, technology advancement, and cost savings for the Administration.

SEC. 314. PROCEDURES FOR IDENTIFYING AND ADDRESSING ALLEGED VIOLATIONS OF SCIENTIFIC INTEGRITY POLICY.

Not later than October 1, 2020, the Administrator shall develop and document procedures for identifying and addressing alleged violations of the scientific integrity policy of NASA.

TITLE IV—AERONAUTICS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Aeronautics Innovation Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) AERONAUTICS STRATEGIC IMPLEMENTATION PLAN.—The term ''Aeronautics Strategic Implementation Plan'' means the Aeronautics Strategic Implementation Plan issued by the Aeronautics Research Mission Directorate.

(2) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

(3) X-PLANE.—The term ''X-plane'' means an experimental aircraft that is—

(A) used to test and evaluate a new technology or aerodynamic concept; and

(B) operated by NASA or the Department of Defense.

SEC. 403. EXPERIMENTAL AIRCRAFT PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) developing high-risk, precompetitive aerospace technologies for which there is not yet a profit rationale is a fundamental role of NASA;

(2) large-scale piloted flight test experimentation and validation are necessary for—

(A) transitioning new technologies and materials, including associated manufacturing processes, for general aviation, commercial aviation, and military aeronautics use; and

(B) capturing the full extent of benefits from investments made by the Aeronautics Research Mission Directorate in priority programs called for in—

(i) the National Aeronautics Research and Development Plan issued by the National Science and Technology Council in February 2010;

(ii) the NASA 2014 Strategic Plan;

(iii) the Aeronautics Strategic Implementation Plan; and

(iv) any updates to the programs called for in the plans described in clauses (i) through (iii);

(3) a level of funding that adequately supports large-scale piloted flight test experimentation and validation, including related infrastructure, should be ensured over a sustained period of time to restore the capacity of NASA—

(A) to see legacy priority programs through to completion; and

(B) to achieve national economic and security objectives; and

(4) NASA should not be directly involved in the Type Certification of aircraft for current and future scheduled commercial air service under part 121 or 135 of title 14, Code of Federal Regulations, that would result in reductions in crew augmentation or single pilot or autonomously operated aircraft.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain world leadership in—

(A) military and civilian aeronautical science and technology;

(B) global air power projection; and

(C) industrialization; and

(2) to maintain as a fundamental objective of NASA aeronautics research the steady progression and expansion of flight research and capabilities, including the science and technology of critical underlying disciplines and competencies, such as—

(A) computational-based analytical and predictive tools and methodologies;

(B) aerothermodynamics;

(C) propulsion;

(D) advanced materials and manufacturing processes;

(E) high-temperature structures and materials; and

(F) guidance, navigation, and flight controls.

(c) ESTABLISHMENT AND CONTINUATION OF X-PLANE PROJECTS.—

(1) IN GENERAL.—The Administrator shall establish or continue to implement, in a manner that is consistent with the roadmap for supersonic aeronautics research and development required by section 604(b) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 131 Stat. 55), the following projects:

(A) A low-boom supersonic aircraft project to demonstrate supersonic aircraft designs and technologies that—

(i) reduce sonic boom noise; and

(ii) assist the Administrator of the Federal Aviation Administration in enabling—

(I) the safe commercial deployment of civil supersonic aircraft technology; and

(II) the safe and efficient operation of civil supersonic aircraft.

(B) A subsonic flight demonstrator aircraft project to advance aircraft designs and technologies that enable significant increases in energy efficiency and reduced life-cycle emissions in the aviation system while reducing noise and emissions.

(C) A series of large-scale X-plane demonstrators that are—

(i) developed sequentially or in parallel; and

(ii) each based on a set of new configuration concepts or technologies determined by the Administrator to demonstrate—

(I) aircraft and propulsion concepts and technologies and related advances in alternative propulsion and energy; and

(II) flight propulsion concepts and technologies.

(2) ELEMENTS.—For each project under paragraph (1), the Administrator shall—

(A) include the development of X-planes and all necessary supporting flight test assets;

(B) pursue a robust technology maturation and flight test validation effort;

(C) improve necessary facilities, flight testing capabilities, and computational tools to support the project;

(D) award any primary contracts for design, procurement, and manufacturing to United States persons, consistent with international obligations and commitments;

(E) coordinate research and flight test demonstration activities with other Federal agencies and the United States aviation community, as the Administrator considers appropriate; and

(F) ensure that the project is aligned with the Aeronautics Strategic Implementation Plan and any updates to the Aeronautics Strategic Implementation Plan.

(3) UNITED STATES PERSON DEFINED.—In this subsection, the term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(d) ADVANCED MATERIALS AND MANUFACTURING TECHNOLOGY PROGRAM.—

(1) IN GENERAL.—The Administrator may establish an advanced materials and manufacturing technology program—

(A) to develop—

(i) new materials, including composite and high-temperature materials, from base material formulation through full-scale structural validation and manufacture;

(ii) advanced materials and manufacturing processes, including additive manufacturing, to reduce the cost of manufacturing scale-up and certification for use in general aviation, commercial aviation, and military aeronautics; and

(iii) noninvasive or nondestructive techniques for testing or evaluating aviation and aeronautics structures, including for materials and manufacturing processes;

(B) to reduce the time it takes to design, industrialize, and certify advanced materials and manufacturing processes;

(C) to provide education and training opportunities for the aerospace workforce; and

(D) to address global cost and human capital competitiveness for United States aeronautical industries and technological leadership in advanced materials and manufacturing technology.

(2) ELEMENTS.—In carrying out a program under paragraph (1), the Administrator shall—

(A) build on work that was carried out by the Advanced Composites Project of NASA;

(B) partner with the private and academic sectors, such as members of the Advanced Composites Consortium of NASA, the Joint Advanced Materials and Structures Center of Excellence of the Federal Aviation Administration, the Manufacturing USA institutes of the Department of Commerce, and national laboratories, as the Administrator considers appropriate;

(C) provide a structure for managing intellectual property generated by the program based on or consistent with the structure established for the Advanced Composites Consortium of NASA;

(D) ensure adequate Federal cost share for applicable research; and

(E) coordinate with advanced manufacturing and composites initiatives in other mission directorates of NASA, as the Administrator considers appropriate.

(e) RESEARCH PARTNERSHIPS.—In carrying out the projects under subsection (c) and a program under subsection (d), the Administrator may engage in cooperative research programs with—

(1) academia; and

(2) commercial aviation and aerospace manufacturers.

SEC. 404. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT SYSTEMS OPERATION PROGRAM.—The Administrator shall—

(1) research and test capabilities and concepts, including unmanned aircraft systems communications, for integrating unmanned aircraft systems into the national airspace system;

(2) leverage the partnership NASA has with industry focused on the advancement of technologies for future air traffic management systems for unmanned aircraft systems; and

(3) continue to align the research and testing portfolio of NASA to inform the integration of unmanned aircraft systems into the national airspace system, consistent with public safety and national security objectives.

(b) SENSE OF CONGRESS ON COORDINATION WITH FEDERAL AVIATION ADMINISTRATION.—It is the sense of Congress that—

(1) NASA should continue—

(A) to coordinate with the Federal Aviation Administration on research on air traffic management systems for unmanned aircraft systems; and

(B) to assist the Federal Aviation Administration in the integration of air traffic management systems for unmanned aircraft systems into the national airspace system; and

(2) the test ranges (as defined in section 44801 of title 49, United States Code) should continue to be leveraged for research on—

(A) air traffic management systems for unmanned aircraft systems; and

(B) the integration of such systems into the national airspace system.

SEC. 405. 21ST CENTURY AERONAUTICS CAPABILITIES INITIATIVE.

(a) IN GENERAL.—The Administrator may establish an initiative, to be known as the ''21st Century Aeronautics Capabilities Initiative'', within the Construction and Environmental Compliance and Restoration Account, to ensure that NASA possesses the infrastructure and capabilities necessary to conduct proposed flight demonstration projects across the range of NASA aeronautics interests.

(b) ACTIVITIES.—In carrying out the 21st Century Aeronautics Capabilities Initiative, the Administrator may carry out the following activities:

(1) Any investments the Administrator considers necessary to upgrade and create facilities for civil and national security aeronautics research to support advancements in—

(A) long-term foundational science and technology;

(B) advanced aircraft systems;

(C) air traffic management systems;

(D) fuel efficiency;

(E) electric propulsion technologies;

(F) system-wide safety assurance;

(G) autonomous aviation; and

(H) supersonic and hypersonic aircraft design and development.

(2) Any measures the Administrator considers necessary to support flight testing activities, including—

(A) continuous refinement and development of free-flight test techniques and methodologies;

(B) upgrades and improvements to real-time tracking and data acquisition; and

(C) such other measures relating to aeronautics research support and modernization as the Administrator considers appropriate to carry out the scientific study of the problems of flight, with a view to practical solutions for such problems.

SEC. 406. SENSE OF CONGRESS ON ON-DEMAND AIR TRANSPORTATION.

It is the sense of Congress that—

(1) greater use of high-speed air transportation, small airports, helipads, vertical flight infrastructure, and other aviation-related infrastructure can alleviate surface transportation congestion and support economic growth within cities;

(2) with respect to urban air mobility and related concepts, NASA should continue—

(A) to conduct research focused on concepts, technologies, and design tools; and

(B) to support the evaluation of advanced technologies and operational concepts that can be leveraged by—

(i) industry to develop future vehicles and systems; and

(ii) the Federal Aviation Administration to support vehicle safety and operational certification; and

(3) NASA should leverage ongoing efforts to develop advanced technologies to actively support the research needed for on-demand air transportation.

SEC. 407. SENSE OF CONGRESS ON HYPERSONIC TECHNOLOGY RESEARCH.

It is the sense of Congress that—

(1) hypersonic technology is critical to the development of advanced high-speed aerospace vehicles for both civilian and national security purposes;

(2) for hypersonic vehicles to be realized, research is needed to overcome technical challenges, including in propulsion, advanced materials, and flight performance in a severe environment;

(3) NASA plays a critical role in supporting fundamental hypersonic research focused on system design, analysis and validation, and propulsion technologies;

(4) NASA research efforts in hypersonic technology should complement research supported by the Department of Defense to the maximum extent practicable, since contributions from both agencies working in partnership with universities and industry are necessary to overcome key technical challenges;

(5) previous coordinated research programs between NASA and the Department of Defense enabled important progress on hypersonic technology;

(6) the commercial sector could provide flight platforms and other capabilities that are able to host and support NASA hypersonic technology research projects; and

(7) in carrying out hypersonic technology research projects, the Administrator should—

(A) focus research and development efforts on high-speed propulsion systems, reusable vehicle technologies, high-temperature materials, and systems analysis;

(B) coordinate with the Department of Defense to prevent duplication of efforts and of investments;

(C) include partnerships with universities and industry to accomplish research goals; and

(D) maximize public-private use of commercially available platforms for hosting research and development flight projects.

TITLE V—SPACE TECHNOLOGY

SEC. 501. SPACE TECHNOLOGY MISSION DIRECTORATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an independent Space Technology Mission Directorate is critical to ensuring continued investments in the development of technologies for missions across the portfolio of NASA, including science, aeronautics, and human exploration.

(b) SPACE TECHNOLOGY MISSION DIRECTORATE.—The Administrator shall maintain a Space Technology Mission Directorate consistent with section 702 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (51 U.S.C. 20301 note).

SEC. 502. FLIGHT OPPORTUNITIES PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as required by section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)), as amended by subsection (b).

(b) ESTABLISHMENT.—Section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)) is amended to read as follows:

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a Commercial Reusable Suborbital Research Program within the Space Technology Mission Directorate to fund—

''(A) the development of payloads for scientific research, technology development, and education;

''(B) flight opportunities for those payloads to microgravity environments and suborbital altitudes; and

''(C) transition of those payloads to orbital opportunities.

''(2) COMMERCIAL REUSABLE VEHICLE FLIGHTS.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may fund engineering and integration demonstrations, proofs of concept, and educational experiments for flights of commercial reusable vehicles.

''(3) COMMERCIAL SUBORBITAL LAUNCH VEHICLES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may not fund the development of commercial suborbital launch vehicles.

''(4) WORKING WITH MISSION DIRECTORATES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator shall work with the mission directorates of NASA to achieve the research, technology, and education goals of NASA.''.

(c) CONFORMING AMENDMENT.—Section 907(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(b)) is amended, in the first sentence, by striking ''Commercial Reusable Suborbital Research Program in'' and inserting ''Commercial Reusable Suborbital Research Program established under subsection (c)(1) within''.

SEC. 503. SMALL SPACECRAFT TECHNOLOGY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Small Spacecraft Technology Program is important for conducting science and technology validation for—

(1) short- and long-duration missions in low-Earth orbit;

(2) deep space missions; and

(3) deorbiting capabilities designed specifically for smaller spacecraft.

(b) ACCOMMODATION OF CERTAIN PAYLOADS.—In carrying out the Small Spacecraft Technology Program, the Administrator shall, as the mission risk posture and technology development objectives allow, accommodate science payloads that further the goal of long-term human exploration to the Moon and Mars.

SEC. 504. NUCLEAR PROPULSION TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that nuclear propulsion is critical to the development of advanced spacecraft for civilian and national defense purposes.

(b) DEVELOPMENT; STUDIES.—The Administrator shall, in coordination with the Secretary of Energy and the Secretary of Defense—

(1) continue to develop the fuel element design for NASA nuclear propulsion technology;

(2) finalize the systems feasibility studies for such technology; and

(3) partner with members of commercial industry to conduct mission concept studies on such technology.

(c) NUCLEAR PROPULSION TECHNOLOGY DEMONSTRATION.—

(1) DETERMINATION; REPORT.—Not later than December 31, 2021, the Administrator shall—

(A) determine the correct approach for conducting a flight demonstration of nuclear propulsion technology; and

(B) submit to Congress a report on a plan for such a demonstration.

(2) DEMONSTRATION.—Not later than December 31, 2024, the Administrator shall conduct the flight demonstration described in paragraph (1).

SEC. 505. MARS-FORWARD TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should pursue multiple technical paths for entry, descent, and landing for Mars, including competitively selected technology demonstration missions.

(b) PRIORITIZATION OF LONG-LEAD TECHNOLOGIES AND SYSTEMS.—The Administrator shall prioritize, within the Space Technology Mission Directorate, research, testing, and development of long-lead technologies and systems for Mars, including technologies and systems relating to—

(1) entry, descent, and landing; and

(2) in-space propulsion, including nuclear propulsion, cryogenic fluid management, in-situ large-scale additive manufacturing, and electric propulsion (including solar electric propulsion leveraging lessons learned from the power and propulsion element of the lunar outpost) options.

SEC. 506. PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) space technology, including nuclear propulsion technology and space surface power reactors, should be developed in a manner consistent with broader United States foreign policy, national defense, and space exploration and commercialization priorities;

(2) highly enriched uranium presents security and nuclear nonproliferation concerns;

(3) since 1977, based on the concerns associated with highly enriched uranium, the United States has promoted the use of low-enriched uranium over highly enriched uranium in nonmilitary contexts, including research and commercial applications;

(4) as part of United States efforts to limit international use of highly enriched uranium, the United States has actively pursued—

(A) since 1978, the conversion of domestic and foreign research reactors that use highly enriched uranium fuel to low-enriched uranium fuel and the avoidance of any new research reactors that use highly enriched uranium fuel; and

(B) since 1994, the elimination of international commerce in highly enriched uranium for civilian purposes; and

(5) the use of low-enriched uranium in place of highly enriched uranium has security, nonproliferation, and economic benefits, including for the national space program.

(b) PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.—The Administrator shall establish and prioritize, within the Space Technology Mission Directorate, a program for the research, testing, and development of a space surface power reactor design that uses low-enriched uranium fuel.

(c) REPORT ON NUCLEAR TECHNOLOGY PRIORITIZATION.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) details the actions taken to implement subsection (b); and

(2) identifies a plan and timeline under which such subsection will be implemented.

(d) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium having an assay of 20 percent or greater of the uranium-235 isotope.

(2) LOW-ENRICHED URANIUM.—The term ''low-enriched uranium'' means uranium having an assay greater than the assay for natural uranium but less than 20 percent of the uranium-235 isotope.

SEC. 507. SENSE OF CONGRESS ON NEXT-GENERATION COMMUNICATIONS TECHNOLOGY.

It is the sense of Congress that—

(1) optical communications technologies—

(A) will be critical to the development of next-generation space-based communications networks;

(B) have the potential to allow NASA to expand the volume of data transmissions in low-Earth orbit and deep space; and

(C) may provide more secure and cost-effective solutions than current radio frequency communications systems;

(2) quantum encryption technology has promising implications for the security of the satellite and terrestrial communications networks of the United States, including optical communications networks, and further research and development by NASA with respect to quantum encryption is essential to maintaining the security of the United States and United States leadership in space; and

(3) in order to provide NASA with more secure and reliable space-based communications, the Space Communications and Navigation program office of NASA should continue—

(A) to support research on and development of optical communications; and

(B) to develop quantum encryption capabilities, especially as those capabilities apply to optical communications networks.

TITLE VI—STEM ENGAGEMENT

SEC. 601. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) NASA serves as a source of inspiration to the people of the United States; and

(2) NASA is uniquely positioned to help increase student interest in science, technology, engineering, and math;

(3) engaging students, and providing hands-on experience at an early age, in science, technology, engineering, and math are important aspects of ensuring and promoting United States leadership in innovation; and

(4) NASA should strive to leverage its unique position—

(A) to increase kindergarten through grade 12 involvement in NASA projects;

(B) to enhance higher education in STEM fields in the United States;

(C) to support individuals who are underrepresented in science, technology, engineering, and math fields, such as women, minorities, and individuals in rural areas; and

(D) to provide flight opportunities for student experiments and investigations.

SEC. 602. STEM EDUCATION ENGAGEMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator shall continue to provide opportunities for formal and informal STEM education engagement activities within the Office of NASA STEM Engagement and other NASA directorates, including—

(1) the Established Program to Stimulate Competitive Research;

(2) the Minority University Research and Education Project; and

(3) the National Space Grant College and Fellowship Program.

(b) LEVERAGING NASA NATIONAL PROGRAMS TO PROMOTE STEM EDUCATION.—The Administrator, in partnership with museums, nonprofit organizations, and commercial entities, shall, to the maximum extent practicable, leverage human spaceflight missions, Deep Space Exploration Systems (including the Space Launch System, Orion, and Exploration Ground Systems), and NASA science programs to engage students at the kindergarten through grade 12 and higher education levels to pursue learning and career opportunities in STEM fields.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on—

(1) the status of the programs described in subsection (a); and

(2) the manner by which each NASA STEM education engagement activity is organized and funded.

(d) STEM EDUCATION DEFINED.—In this section, the term ''STEM education'' has the meaning given the term in section 2 of the STEM Education Act of 2015 (Public Law 114–59; 42 U.S.C. 6621 note).

SEC. 603. SKILLED TECHNICAL EDUCATION OUTREACH PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to conduct outreach to secondary school students—

(1) to expose students to careers that require career and technical education; and

(2) to encourage students to pursue careers that require career and technical education.

(b) OUTREACH PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the outreach program under subsection (a) that includes—

(1) an implementation plan;

(2) a description of the resources needed to carry out the program; and

(3) any recommendations on expanding outreach to secondary school students interested in skilled technical occupations.

(c) SYSTEMS OBSERVATION.—

(1) IN GENERAL.—The Administrator shall develop a program and associated policies to allow students from accredited educational institutions to view the manufacturing, assembly, and testing of NASA-funded space and aeronautical systems, as the Administrator considers appropriate.

(2) CONSIDERATIONS.—In developing the program and policies under paragraph (1), the Administrator shall take into consideration factors such as workplace safety, mission needs, and the protection of sensitive and proprietary technologies.

SEC. 604. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.

(a) PURPOSES.—Section 40301 of title 51, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(D) promote equally the State and regional STEM interests of each space grant consortium;''; and

(2) in paragraph (4), by striking ''made up of university and industry members, in order to advance'' and inserting ''comprised of members of universities in each State and other entities, such as 2-year colleges, industries, science learning centers, museums, and government entities, to advance''.

(b) DEFINITIONS.—Section 40302 of title 51, United States Code, is amended—

(1) by striking paragraph (3);

(2) by inserting after paragraph (2) the following:

''(3) LEAD INSTITUTION.—The term 'lead institution' means an entity in a State that—

''(A) was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2019; or

''(B) is designated by the Administrator under section 40303(d)(3).'';

(3) in paragraph (4), by striking ''space grant college, space grant regional consortium, institution of higher education,'' and inserting ''lead institution, space grant consortium,'';

(4) by striking paragraphs (6), (7), and (8);

(5) by inserting after paragraph (5) the following:

''(6) SPACE GRANT CONSORTIUM.—The term 'space grant consortium' means a State-wide group, led by a lead institution, that has established partnerships with other academic institutions, industries, science learning centers, museums, and government entities to promote a strong educational base in the space and aeronautical sciences.'';

(6) by redesignating paragraph (9) as paragraph (7);

(7) in paragraph (7)(B), as so redesignated, by inserting ''and aeronautics'' after ''space'';

(8) by striking paragraph (10); and

(9) by adding at the end the following:

''(8) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) PROGRAM OBJECTIVE.—Section 40303 of title 51, United States Code, is amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (e); and

(3) by striking subsection (b) and inserting the following:

''(b) PROGRAM OBJECTIVE.—

''(1) IN GENERAL.—The Administrator shall carry out the national space grant college and fellowship program with the objective of providing hands-on research, training, and education programs with measurable outcomes in each State, including programs to provide—

''(A) internships, fellowships, and scholarships;

''(B) interdisciplinary hands-on mission programs and design projects;

''(C) student internships with industry or university researchers or at centers of the Administration;

''(D) faculty and curriculum development initiatives;

''(E) university-based research initiatives relating to the Administration and the STEM workforce needs of each State; or

''(F) STEM engagement programs for kindergarten through grade 12 teachers and students.

''(2) PROGRAM PRIORITIES.—In carrying out the objective described in paragraph (1), the Administrator shall ensure that each program carried out by a space grant consortium under the national space grant college and fellowship program balances the following priorities:

''(A) The space and aeronautics research needs of the Administration, including the mission directorates.

''(B) The need to develop a national STEM workforce.

''(C) The STEM workforce needs of the State.

''(c) PROGRAM ADMINISTERED THROUGH SPACE GRANT CONSORTIA.—The Administrator shall carry out the national space grant college and fellowship program through the space grant consortia.

''(d) SUSPENSION; TERMINATION; NEW COMPETITION.—

''(1) SUSPENSION.—The Administrator may, for cause and after an opportunity for hearing, suspend a lead institution that was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2019.

''(2) TERMINATION.—If the issue resulting in a suspension under paragraph (1) is not resolved within a period determined by the Administrator, the Administrator may terminate the designation of the entity as a lead institution.

''(3) NEW COMPETITION.—If the Administrator terminates the designation of an entity as a lead institution, the Administrator may initiate a new competition in the applicable State for the designation of a lead institution.''.

(d) GRANTS.—Section 40304 of title 51, United States Code, is amended to read as follows:

''§ 40304. Grants

''(a) ELIGIBLE SPACE GRANT CONSORTIUM DEFINED.—In this section, the term 'eligible space grant consortium' means a space grant consortium that the Administrator has determined—

''(1) has the capability and objective to carry out not fewer than 3 of the 6 programs under section 40303(b)(1);

''(2) will carry out programs that balance the priorities described in section 40303(b)(2); and

''(3) is engaged in research, training, and education relating to space and aeronautics.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall award grants to the lead institutions of eligible space grant consortia to carry out the programs under section 40303(b)(1).

''(2) REQUEST FOR PROPOSALS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2019, the Administrator shall issue a request for proposals from space grant consortia for the award of grants under this section.

''(B) APPLICATIONS.—A lead institution of a space grant consortium that seeks a grant under this section shall submit, on behalf of such space grant consortium, an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

''(3) GRANT AWARDS.—The Administrator shall award 1 or more 5-year grants, disbursed in annual installments, to the lead institution of the eligible space grant consortium of—

''(A) each State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.

''(4) USE OF FUNDS.—A grant awarded under this section shall be used by an eligible space grant consortium to carry out not fewer than 3 of the 6 programs under section 40303(b)(1).

''(c) ALLOCATION OF FUNDING.—

''(1) PROGRAM IMPLEMENTATION.—

''(A) IN GENERAL.—To carry out the objective described in section 40303(b)(1), of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not less than 85 percent as follows:

''(i) The 52 eligible space grant consortia shall each receive an equal share.

''(ii) The territories of Guam and the United States Virgin Islands shall each receive funds equal to approximately 1/5 of the share for each eligible space grant consortia.

''(B) MATCHING REQUIREMENT.—Each eligible space grant consortium shall match the funds allocated under subparagraph (A)(i) on a basis of not less than 1 non-Federal dollar for every 1 Federal dollar, except that any program funded under paragraph (3) or any program to carry out 1 or more internships or fellowships shall not be subject to that matching requirement.

''(2) PROGRAM ADMINISTRATION.—

''(A) IN GENERAL.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 10 percent for the administration of the program.

''(B) COSTS COVERED.—The funds allocated under subparagraph (A) shall cover all costs of the Administration associated with the administration of the national space grant college and fellowship program, including—

''(i) direct costs of the program, including costs relating to support services and civil service salaries and benefits;

''(ii) indirect general and administrative costs of centers and facilities of the Administration; and

''(iii) indirect general and administrative costs of the Administration headquarters.

''(3) SPECIAL PROGRAMS.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 5 percent to the lead institutions of space grant consortia established as of the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2019 for grants to carry out innovative approaches and programs to further science and education relating to the missions of the Administration and STEM disciplines.

''(d) TERMS AND CONDITIONS.—

''(1) LIMITATIONS.—Amounts made available through a grant under this section may not be applied to—

''(A) the purchase of land;

''(B) the purchase, construction, preservation, or repair of a building; or

''(C) the purchase or construction of a launch facility or launch vehicle.

''(2) LEASES.—Notwithstanding paragraph (1), land, buildings, launch facilities, and launch vehicles may be leased under a grant on written approval by the Administrator.

''(3) RECORDS.—

''(A) IN GENERAL.—Any person that receives or uses the proceeds of a grant under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records that fully disclose the amount and disposition by a recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost that was provided through other sources.

''(B) MAINTENANCE OF RECORDS.—Records under subparagraph (A) shall be maintained for not less than 3 years after the date of completion of such a program or project.

''(C) ACCESS.—For the purpose of audit and evaluation, the Administrator and the Comptroller General of the United States shall have access to any books, documents, papers, and records of receipts relating to a grant under this section, as determined by the Administrator or Comptroller General.''.

(e) PROGRAM STREAMLINING.—Title 51, United States Code, is amended—

(1) by striking sections 40305 through 40308, 40310, and 40311; and

(2) by redesignating section 40309 as section 40305.

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 403 of title 51, United States Code, is amended by striking the items relating to sections 40304 through 40311 and inserting the following:

''40304. Grants.
''40305. Availability of other Federal personnel and data.''.

TITLE VII—WORKFORCE AND INDUSTRIAL BASE

SEC. 701. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term ''covered provisions'' means the provisions of title 5, United States Code, other than—

(1) section 2301 of that title;

(2) section 2302 of that title;

(3) chapter 71 of that title;

(4) section 7204 of that title; and

(5) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 5,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

SEC. 702. ESTABLISHMENT OF MULTI-INSTITUTION CONSORTIA AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) IN GENERAL.—The Administrator, pursuant to section 2304(c)(3)(B) of title 10, United States Code, may—

(1) establish one or more multi-institution consortia or university-affiliated research centers to facilitate access to essential engineering, research, and development capabilities in support of NASA missions;

(2) use such a consortium or research center to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers; and

(3) ensure such a consortium or research center—

(A) is held accountable for the technical quality of the work product developed under this section; and

(B) convenes disparate groups to facilitate public-private partnerships.

(b) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a consortium or research center under subsection (a)—

(1) the selection of participants;

(2) the award of cooperative agreements or other contracts;

(3) the appropriate use of competitive awards and sole source awards; and

(4) technical capabilities required.

(c) ELIGIBILITY.—The following entities shall be eligible to participate in a consortium or research center established under subsection (a):

(1) An institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

(2) An operator of a federally funded research and development center.

(3) A nonprofit or not-for-profit research institution.

(4) A consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 703. EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE.

(a) IN GENERAL.—The Administrator may—

(1) establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to eligible entities in support of NASA missions; and

(2) use such a multi-institution task order contract, consortium, cooperative agreement, or other arrangement to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers.

(b) CONSULTATION WITH OTHER NASA-AFFILIATED ENTITIES.—To ensure access to technical expertise and reduce costs and duplicative efforts, a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement established under subsection (a)(1) shall, to the maximum extent practicable, be carried out in consultation with other NASA-affiliated entities, including federally funded research and development centers, university-affiliated research centers, and NASA laboratories and test centers.

(c) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement under subsection (a)(1)—

(1) the selection of participants;

(2) the award of task orders;

(3) the maximum award size for a task;

(4) the appropriate use of competitive awards and sole source awards; and

(5) technical capabilities required.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means—

(1) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) an operator of a federally funded research and development center;

(3) a nonprofit or not-for-profit research institution; and

(4) a consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 704. REPORT ON INDUSTRIAL BASE FOR CIVIL SPACE MISSIONS AND OPERATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the United States industrial base for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the current status of the United States industrial base for NASA civil space missions and operations.

(2) A description and assessment of the weaknesses in the supply chain, skills, manufacturing capacity, raw materials, key components, and other areas of the United States industrial base for NASA civil space missions and operations that could adversely impact such missions and operations if unavailable.

(3) A description and assessment of various mechanisms to address and mitigate the weaknesses described pursuant to paragraph (2).

(4) A comprehensive list of the collaborative efforts, including future and proposed collaborative efforts, between NASA and the Manufacturing USA institutes of the Department of Commerce.

(5) An assessment of—

(A) the defense and aerospace manufacturing supply chains relevant to NASA in each region of the United States; and

(B) the feasibility and benefits of establishing a supply chain center of excellence in a State in which NASA does not, as of the date of the enactment of this Act, have a research center or test facility.

(6) Such other matters relating to the United States industrial base for NASA civil space missions and operations as the Administrator considers appropriate.

SEC. 705. SEPARATIONS AND RETIREMENT INCENTIVES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

''(1) DEFINITION.—In this subsection, the term 'employee'—

''(A) means an employee of the Administration serving under an appointment without time limitation; and

''(B) does not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i); or

''(iii) for purposes of eligibility for separation incentives under this subsection, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(2) AUTHORITY.—The Administrator may establish a program under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(3) EARLY RETIREMENT.—An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this subsection, apply and be retired from the Administration and receive benefits in accordance with subchapter III of chapter 83 or 84 of title 5 if the employee has been employed continuously within the Administration for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Administration centers is approved.

''(4) SEPARATION PAY.—

''(A) IN GENERAL.—Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section; or

''(ii) $40,000.

''(B) LIMITATIONS.—Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, based on any other separation.

''(C) INSTALLMENTS.—Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(5) LIMITATIONS ON REEMPLOYMENT.—

''(A) An employee who receives separation pay under such program may not be reemployed by the Administration for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Administrator on a case-by-case basis.

''(B) An employee who receives separation pay under this section on the basis of a separation and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Administration. If the employment is with an Executive agency (as defined by section 105 of title 5) other than the Administration, the Administrator may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Administration, the Administrator may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(6) REGULATIONS.—Under the program established under paragraph (2), early retirement and separation pay may be offered only pursuant to regulations established by the Administrator, subject to such limitations or conditions as the Administrator may require.

''(7) USE OF EXISTING FUNDS.—The Administrator shall carry out this subsection using amounts otherwise made available to the Administrator and no additional funds are authorized to be appropriated to carry out this subsection.''.

SEC. 706. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''§ 31303. Confidentiality of medical quality assurance records

''(a) IN GENERAL.—Except as provided in subsection (b)(1)—

''(1) a medical quality assurance record, or any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record for the Administration, or participates in any proceeding that reviews or creates a medical quality assurance record, may not testify in a judicial or administrative proceeding with respect to—

''(A) the medical quality assurance record; or

''(B) any finding, recommendation, evaluation, opinion, or action taken by such individual or in accordance with such proceeding with respect to the medical quality assurance record.

''(b) DISCLOSURE OF RECORDS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a medical quality assurance record may be disclosed to—

''(A) a Federal agency or private entity, if the medical quality assurance record is necessary for the Federal agency or private entity to carry out—

''(i) licensing or accreditation functions relating to Administration healthcare facilities; or

''(ii) monitoring of Administration healthcare facilities required by law;

''(B) a Federal agency or healthcare provider, if the medical quality assurance record is required by the Federal agency or healthcare provider to enable Administration participation in a healthcare program of the Federal agency or healthcare provider;

''(C) a criminal or civil law enforcement agency, or an instrumentality authorized by law to protect the public health or safety, on written request by a qualified representative of such agency or instrumentality submitted to the Administrator that includes a description of the lawful purpose for which the medical quality assurance record is requested;

''(D) an officer, an employee, or a contractor of the Administration who requires the medical quality assurance record to carry out an official duty associated with healthcare;

''(E) healthcare personnel, to the extent necessary to address a medical emergency affecting the health or safety of an individual; and

''(F) any committee, panel, or board convened by the Administration to review the healthcare-related policies and practices of the Administration.

''(2) SUBSEQUENT DISCLOSURE PROHIBITED.—An individual or entity to whom a medical quality assurance record has been disclosed under paragraph (1) may not make a subsequent disclosure of the medical quality assurance record.

''(c) PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the personally identifiable information contained in a medical quality assurance record of a patient or an employee of the Administration, or any other individual associated with the Administration for purposes of a medical quality assurance program, shall be removed before the disclosure of the medical quality assurance record to an entity other than the Administration.

''(2) EXCEPTION.— Personally identifiable information described in paragraph (1) may be released to an entity other than the Administration if the Administrator makes a determination that the release of such personally identifiable information—

''(A) is in the best interests of the Administration; and

''(B) does not constitute an unwarranted invasion of personal privacy.

''(d) EXCLUSION FROM FOIA.—A medical quality assurance record may not be made available to any person under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and this section shall be considered a statute described in subsection (b)(3)(B) of such section 522.

''(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to implement this section.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to withhold a medical quality assurance record from a committee of the Senate or House of Representatives or a joint committee of Congress if the medical quality assurance record relates to a matter within the jurisdiction of such committee or joint committee; or

''(2) to limit the use of a medical quality assurance record within the Administration, including the use by a contractor or consultant of the Administration.

''(g) DEFINITIONS.—In this section:

''(1) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means any proceeding, discussion, record, finding, recommendation, evaluation, opinion, minutes, report, or other document or action that results from a quality assurance committee, quality assurance program, or quality assurance program activity.

''(2) QUALITY ASSURANCE PROGRAM.—

''(A) IN GENERAL.—The term 'quality assurance program' means a comprehensive program of the Administration—

''(i) to systematically review and improve the quality of medical and behavioral health services provided by the Administration to ensure the safety and security of individuals receiving such health services; and

''(ii) to evaluate and improve the efficiency, effectiveness, and use of staff and resources in the delivery of such health services.

''(B) INCLUSION.—The term 'quality assurance program' includes any activity carried out by or for the Administration to assess the quality of medical care provided by the Administration.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''31303. Confidentiality of medical quality assurance records.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CONTRACTING AUTHORITY.

Section 20113 of title 51, United States Code, as amended by section 705, is further amended by adding at the end the following:

''(p) CONTRACTING AUTHORITY.—The Administration—

''(1) may enter into an agreement with a private, commercial, or State government entity to provide the entity with supplies, support, and services related to private, commercial, or State government space activities carried out at a property owned or operated by the Administration; and

''(2) upon the request of such an entity, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities; and

''(B) the Administration has full reimbursable funding from the entity that requested supplies, support, and services prior to making any obligation for the delivery of such supplies, support, or services under an Administration procurement contract or any other agreement.''.

SEC. 802. AUTHORITY FOR TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

Section 20113 of title 51, United States Code, as amended by section 801, is further amended by adding at the end the following:

''(q) TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—The Administration may enter into a transaction (other than a contract, cooperative agreement, or grant) to carry out a prototype project that is directly relevant to enhancing the mission effectiveness of the Administration.

''(2) SUBSEQUENT AWARD OF FOLLOW-ON PRODUCTION CONTRACT.—A transaction entered into under this subsection for a prototype project may provide for the subsequent award of a follow-on production contract to participants in the transaction.

''(3) INCLUSION.—A transaction under this subsection includes a project awarded to an individual participant and to all individual projects awarded to a consortium of United States industry and academic institutions.

''(4) DETERMINATION.—The authority of this section may be exercised for a transaction for a prototype project and any follow-on production contract, upon a determination by the head of the contracting activity, in accordance with Administration policies, that—

''(A) circumstances justify use of a transaction to provide an innovative business arrangement that would not be feasible or appropriate under a contract; and

''(B) the use of the authority of this section is essential to promoting the success of the prototype project.

''(5) COMPETITIVE PROCEDURE.—

''(A) IN GENERAL.—To the maximum extent practicable, the Administrator shall use competitive procedures with respect to entering into a transaction to carry out a prototype project.

''(B) EXCEPTION.—Notwithstanding section 2304 of title 10, United States Code, a follow-on production contract may be awarded to the participants in the prototype transaction without the use of competitive procedures, if—

''(i) competitive procedures were used for the selection of parties for participation in the prototype transaction; and

''(ii) the participants in the transaction successfully completed the prototype project provided for in the transaction.

''(6) COST SHARE.—A transaction to carry out a prototype project and a follow-on production contract may require that part of the total cost of the transaction or contract be paid by the participant or contractor from a source other than the Federal Government.

''(7) PROCUREMENT ETHICS.—A transaction under this authority shall be considered an agency procurement for purposes of chapter 21 of title 41, United States Code, with regard to procurement ethics.''.

SEC. 803. PROTECTION OF DATA AND INFORMATION FROM PUBLIC DISCLOSURE.

(a) CERTAIN TECHNICAL DATA.—Section 20131 of title 51, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (a)(3), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(3) by inserting after subsection (b) the following:

''(c) SPECIAL HANDLING OF CERTAIN TECHNICAL DATA.—

''(1) IN GENERAL.—The Administrator may provide appropriate protections against the public dissemination of certain technical data, including exemption from subchapter II of chapter 5 of title 5.

''(2) DEFINITIONS.—In this subsection:

''(A) CERTAIN TECHNICAL DATA.—The term 'certain technical data' means technical data that may not be exported lawfully outside the United States without approval, authorization, or license under—

''(i) the Export Control Reform Act of 2018 (Public Law 115–232; 132 Stat. 2208); or

''(ii) the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 729).

''(B) TECHNICAL DATA.—The term 'technical data' means any blueprint, drawing, photograph, plan, instruction, computer software, or documentation, or any other technical information.'';

(4) in subsection (d), as so redesignated, by inserting '', including any data,'' after ''information''; and

(5) by adding at the end the following:

''(e) EXCLUSION FROM FOIA.—This section shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').''.

(b) CERTAIN VOLUNTARILY PROVIDED SAFETY-RELATED INFORMATION.—

(1) IN GENERAL.—The Administrator shall provide appropriate safeguards against the public dissemination of safety-related information collected as part of a mishap investigation carried out under the NASA safety reporting system or in conjunction with an organizational safety assessment, if the Administrator makes a written determination, including a justification of the determination, that—

(A)(i) disclosure of the information would inhibit individuals from voluntarily providing safety-related information; and

(ii) the ability of NASA to collect such information improves the safety of NASA programs and research relating to aeronautics and space; or

(B) withholding such information from public disclosure improves the safety of such NASA programs and research.

(2) OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, if the Administrator provides to the head of another Federal agency safety-related information with respect to which the Administrator has made a determination under paragraph (1), the head of the Federal agency shall withhold the information from public disclosure.

(3) PUBLIC AVAILABILITY.—A determination under paragraph (1) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(4) EXCLUSION FROM FOIA.—This subsection shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5, United States Code.

SEC. 804. PHYSICAL SECURITY MODERNIZATION.

Chapter 201 of title 51, United States Code, is amended—

(1) in section 20133(2), by striking ''property'' and all that follows through ''to the United States,'' and inserting ''Administration personnel or of property owned or leased by, or under the control of, the United States''; and

(2) in section 20134, in the second sentence—

(A) by inserting ''Administration personnel or any'' after ''protecting''; and

(B) by striking '', at facilities owned or contracted to the Administration''.

SEC. 805. LEASE OF NON-EXCESS PROPERTY.

Section 20145 of title 51, United States Code, is amended—

(1) in paragraph (b)(1)(B), by striking ''entered into for the purpose of developing renewable energy production facilities''; and

(2) by striking subsection (g).

SEC. 806. CYBERSECURITY.

(a) IN GENERAL.—Section 20301 of title 51, United States Code, is amended by adding at the end the following:

''(c) CYBERSECURITY.—The Administrator shall update and improve the cybersecurity of NASA space assets and supporting infrastructure.''.

(b) SECURITY OPERATIONS CENTER.—

(1) ESTABLISHMENT.—The Administrator shall maintain a Security Operations Center, to identify and respond to cybersecurity threats to

NASA information technology systems, including institutional systems and mission systems.

(2) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, each of the recommendations contained in the report of the Inspector General of NASA entitled ''Audit of NASA's Security Operations Center'', issued on May 23, 2018.

(c) CYBER THREAT HUNT.—

(1) IN GENERAL.—The Administrator, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, may implement a cyber threat hunt capability to proactively search NASA information systems for advanced cyber threats that otherwise evade existing security tools.

(2) THREAT-HUNTING PROCESS.—In carrying out paragraph (1), the Administrator shall develop and document a threat-hunting process, including the roles and responsibilities of individuals conducting a cyber threat hunt.

(d) GAO PRIORITY RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, the recommendations for NASA contained in the report of the Comptroller General of the United States entitled ''Information Security: Agencies Need to Improve Controls over Selected High-Impact Systems'', issued May 18, 2016, including—

(1) re-evaluating security control assessments; and

(2) specifying metrics for the continuous monitoring strategy of the Administration.

SEC. 807. LIMITATION ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided by subsection (b), the Administrator, the Director of the Office of Science and Technology Policy, and the Chair of the National Space Council, shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any manner with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People's Republic of China; and

(2) host official visitors from the People's Republic of China at a facility belonging to or used by NASA.

(b) WAIVER.—

(1) IN GENERAL.—The Administrator, the Director, or the Chair may waive the limitation under subsection (a) with respect to an activity described in that subsection only if the Administrator, the Director, or the Chair, as applicable, makes a determination that the activity—

(A) does not pose a risk of a transfer of technology, data, or other information with national security or economic security implications to an entity described in paragraph (1) of such subsection; and

(B) does not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(2) CERTIFICATION TO CONGRESS.—Not later than 30 days after the date on which a waiver is granted under paragraph (1), the Administrator, the Director, or the Chair, as applicable, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives a written certification that the activity complies with the requirements in subparagraphs (A) and (B) of that paragraph.

(c) GAO REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of NASA contracts that may subject the Administration to unacceptable transfers of intellectual property or technology to any entity—

(A) owned or controlled (in whole or in part) by, or otherwise affiliated with, the Government of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(2) ELEMENTS.—The review required under paragraph (1) shall assess—

(A) whether the Administrator is aware—

(i) of any NASA contractor that benefits from significant financial assistance from—

(I) the Government of the People's Republic of China;

(II) any entity controlled by the Government of the People's Republic of China; or

(III) any other governmental entity of the People's Republic of China; and

(ii) that the Government of the People's Republic of China, or an entity controlled by the Government of the People's Republic of China, may be—

(I) leveraging United States companies that share ownership with NASA contractors; or

(II) obtaining intellectual property or technology illicitly or by other unacceptable means; and

(B) the steps the Administrator is taking to ensure that—

(i) NASA contractors are not being leveraged (directly or indirectly) by the Government of the People's Republic of China or by an entity controlled by the Government of the People's Republic of China;

(ii) the intellectual property and technology of NASA contractors are adequately protected; and

(iii) NASA flight-critical components are not sourced from the People's Republic of China through any entity benefiting from Chinese investments, loans, or other assistance.

(3) RECOMMENDATIONS.—The Comptroller General shall provide to the Administrator recommendations for future NASA contracting based on the results of the review.

(4) PLAN.—Not later than 180 days after the date on which the Comptroller General completes the review, the Administrator shall—

(A) develop a plan to implement the recommendations of the Comptroller General; and

(B) submit the plan to the appropriate committees of Congress.

SEC. 808. CONSIDERATION OF ISSUES RELATED TO CONTRACTING WITH ENTITIES RECEIVING ASSISTANCE FROM OR AFFILIATED WITH THE PEOPLE'S REPUBLIC OF CHINA.

In considering any response to a request for proposal, request for information, broad area announcement, or any other form of request or solicitation, and in considering or undertaking any negotiation or conclusion of any contract, agreement, or other transaction with any commercial or non-commercial entity, the Administrator shall, in consultation with appropriate Federal departments and agencies, take into account the implications of any benefit received by such commercial or non-commercial entity (or any other commercial or non-commercial entity related through ownership, control, or other affiliation to such entity) as a result of a significant loan or other financial assistance provided by—

(1) any governmental organization of the People's Republic of China; or

(2) any other entity that is—

(A) owned or controlled by, or otherwise affiliated with, any governmental organization of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

SEC. 809. SMALL SATELLITE LAUNCH SERVICES PROGRAM.

(a) IN GENERAL.—The Administrator shall continue to procure dedicated launch services for small satellites, including CubeSats, for the purpose of conducting science and technology missions that further the goals of NASA.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) engage with the academic community to maximize awareness and use of dedicated small satellite launch opportunities; and

(2) to the maximum extent practicable, use a secondary payload of procured launch services for CubeSats.

SEC. 810. 21ST CENTURY SPACE LAUNCH INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall carry out a program to modernize launch infrastructure at NASA facilities—

(1) to enhance safety; and

(2) to advance Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—

(1) infrastructure relating to commodities;

(2) standard interfaces to meet customer needs for multiple payload processing and launch vehicle processing;

(3) enhancements to range capacity and flexibility; and

(4) such other projects as the Administrator considers appropriate to meet the goals described in subsection (a).

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) prioritize investments in projects that can be used by multiple users and launch vehicles, including non-NASA users and launch vehicles; and

(2) limit investments to projects that would not otherwise be funded by a NASA program, such as an institutional or programmatic infrastructure program.

(d) SAVINGS CLAUSE.—Nothing in this section shall preclude a NASA program, including the Space Launch System and Orion, from using the launch infrastructure modernized under this section.

SEC. 811. MISSIONS OF NATIONAL NEED.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) while certain space missions, such as asteroid detection or space debris mitigation or removal missions, may not provide the highest-value science, as determined by the National Academies of Science, Engineering, and Medicine decadal surveys, such missions provide tremendous value to the United States and the world; and

(2) the current organizational and funding structure of NASA has not prioritized the funding of missions of national need.

(b) STUDY.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall conduct a study on the manner in which NASA funds missions of national need.

(2) MATTERS TO BE INCLUDED.—The study conducted under paragraph (1) shall include the following:

(A) An identification and assessment of the types of missions or technology development programs that constitute missions of national need.

(B) An assessment of the manner in which such missions are currently funded and managed by NASA.

(C) An analysis of the options for funding missions of national need, including—

(i) structural changes required to allow NASA to fund such missions; and

(ii) an assessment of the capacity of other Federal agencies to make funds available for such missions.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (b), including recommendations for funding missions of national need.

SEC. 812. EXEMPTION FROM THE IRAN, NORTH KOREA, AND SYRIA NONPROLIFERATION ACT.

Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178;

50 U.S.C. 1701 note) is amended, in the undesignated matter following subparagraph (B), by striking ''December 31, 2025'' and inserting ''December 31, 2030''.

SEC. 813. DRINKING WATER WELL REPLACEMENT FOR CHINCOTEAGUE, VIRGINIA.

Notwithstanding any other provision of law, during the 5-year period beginning on the date of the enactment of this Act, the Administrator may enter into 1 or more agreements with the town of Chincoteague, Virginia, to reimburse the town for costs that are directly associated with—

(1) the removal of drinking water wells located on property administered by the Administration; and

(2) the relocation of such wells to property under the administrative control, through lease, ownership, or easement, of the town.

SEC. 814. PASSENGER CARRIER USE.

Section 1344(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the comma at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) necessary for post-flight transportation of United States Government astronauts, and other astronauts subject to reimbursable arrangements, returning from space for the performance of medical research, monitoring, diagnosis, or treatment, or other official duties, prior to receiving post-flight medical clearance to operate a motor vehicle,''.

SEC. 815. USE OF COMMERCIAL NEAR-SPACE BALLOONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of an array of capabilities, including the use of commercially available near-space balloon assets, is in the best interest of the United States.

(b) USE OF COMMERCIAL NEAR-SPACE BALLOONS.—The Administrator shall use commercially available balloon assets operating at near-space altitudes, to the maximum extent practicable, as part of a diverse set of capabilities to effectively and efficiently meet the goals of the Administration.

SEC. 816. PRESIDENT'S SPACE ADVISORY BOARD.

Section 121 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 51 U.S.C. 20111 note) is amended—

(1) in the section heading, by striking ''**USERS' ADVISORY GROUP**'' and inserting ''**PRESIDENT'S SPACE ADVISORY BOARD**''; and

(2) by striking ''Users' Advisory Group'' each place it appears and inserting ''President's Space Advisory Board.''

SEC. 817. INITIATIVE ON TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTIONS.

(a) INITIATIVE REQUIRED.—Section 40112 of title 51, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTION.—

''(1) INITIATIVE REQUIRED.—The Administrator shall establish an initiative to build upon and accelerate previous or ongoing work to develop and demonstrate new technologies, including systems architecture, components, or integration of systems and airframe structures, in electric aircraft propulsion concepts that are capable of substantially reducing both emissions and noise from aircraft.

''(2) APPROACH.—In carrying out the initiative, the Administrator shall do the following:

''(A) Continue and expand work of the Administration on research, development, and demonstration of electric aircraft concepts, and the integration of such concepts.

''(B) To the extent practicable, work with multiple partners, including small businesses and new entrants, on research and development activities related to transport category aircraft.

''(C) Provide guidance to the Federal Aviation Administration on technologies developed and tested pursuant to the initiative.''.

(b) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter as a part of the Administration's budget submission, the Administrator shall submit a report to the appropriate committee of Congress on the progress of the work under the initiative required by subsection (b) of section 40112 of title 51, United States Code (as amended by subsection (a) of this section), including an updated, anticipated timeframe for aircraft entering into service that produce 50 percent less noise and emissions than the highest performing aircraft in service as of December 31, 2019.

SEC. 818. REMEDIATION OF SITES CONTAMINATED WITH TRICHLOROETHYLENE.

(a) IDENTIFICATION OF SITES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall identify sites of the Administration contaminated with trichloroethylene.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) the recommendations of the Administrator for remediating the sites identified under subsection (a) during the 5-year period beginning on the date of the report; and

(2) an estimate of the financial resources necessary to implement those recommendations.

SEC. 819. REPORT ON MERITS AND OPTIONS FOR ESTABLISHING AN INSTITUTE RELATING TO SPACE RESOURCES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the merits of, and options for, establishing an institute relating to space resources to advance the objectives of NASA in maintaining United States preeminence in space described in paragraph (3).

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include an assessment by the Administrator as to whether—

(A) a virtual or physical institute relating to space resources is most cost effective and appropriate; and

(B) partnering with institutions of higher education and the aerospace industry, and the extractive industry as appropriate, would be effective in increasing information available to such an institute with respect to advancing the objectives described in paragraph (3).

(3) OBJECTIVES.—The objectives described in this paragraph are the following:

(A) Identifying, developing, and distributing space resources, including by encouraging the development of foundational science and technology.

(B) Reducing the technological risks associated with identifying, developing, and distributing space resources.

(C) Developing options for using space resources—

(i) to support current and future space architectures, programs, and missions; and

(ii) to enable architectures, programs, and missions that would not otherwise be possible.

(4) DEFINITIONS.—In this section:

(A) EXTRACTIVE INDUSTRY.—The term ''extractive industry'' means a company or individual involved in the process of extracting (including mining, quarrying, drilling, and dredging) space resources.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(C) SPACE RESOURCE.—

(i) IN GENERAL.—The term ''space resource'' means an abiotic resource in situ in outer space.

(ii) INCLUSIONS.—The term ''space resource'' includes a raw material, a natural material, and an energy source.

SEC. 820. REPORT ON ESTABLISHING CENTER OF EXCELLENCE FOR SPACE WEATHER TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the potential benefits of establishing a NASA center of excellence for space weather technology.

(b) GEOGRAPHIC CONSIDERATIONS.—In the report required by subsection (a), the Administrator shall consider the benefits of establishing the center of excellence described in that subsection in a geographic area—

(1) in close proximity to—

(A) significant government-funded space weather research activities; and

(B) institutions of higher education; and

(2) where NASA may have been previously underrepresented.

SEC. 821. REVIEW ON PREFERENCE FOR DOMESTIC SUPPLIERS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the Administration should, to the maximum extent practicable and with due consideration of foreign policy goals and obligations under Federal law—

(1) use domestic suppliers of goods and services; and

(2) ensure compliance with the Federal acquisition regulations, including subcontract flowdown provisions.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall undertake a comprehensive review of the domestic supplier preferences of the Administration and the obligations of the Administration under the Federal acquisition regulations to ensure compliance, particularly with respect to Federal acquisition regulations provisions that apply to foreign-based subcontractors.

(2) ELEMENTS.—The review under paragraph (1) shall include—

(A) an assessment as to whether the Administration has provided funding for infrastructure of a foreign-owned company or State-sponsored entity in recent years; and

(B) an analysis of the effects such funding has had on domestic service providers.

(c) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 822. REPORT ON UTILIZATION OF COMMERCIAL SPACE PORTS LICENSED BY FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the benefits of increased utilization of commercial space ports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of current utilization of commercial space ports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(2) A description and assessment of the benefits of increased utilization of such space ports for such missions and operations.

(3) A description and assessment of the steps necessary to achieve increased utilization of such space ports for such missions and operations.

SEC. 823. ACTIVE ORBITAL DEBRIS MITIGATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) orbital debris, particularly in low-Earth orbit, poses a hazard to NASA missions, particularly human spaceflight; and

(2) progress has been made on the development of guidelines for long-term space sustainability through the United Nations Committee on the Peaceful Uses of Outer Space.

(b) REQUIREMENTS.—The Administrator should—

(1) ensure the policies and standard practices of NASA meet or exceed international guidelines for spaceflight safety; and

(2) support the development of orbital debris mitigation technologies through continued research and development of concepts.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of implementing subsection (b).

SEC. 824. STUDY ON COMMERCIAL COMMUNICATIONS SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing the ability of researchers to conduct and interact with experiments while in flight would make huge advancements in the overall profitability of conducting research on suborbit and low-Earth orbit payloads; and

(2) current NASA communications do not allow for real-time data collection, observation, or transmission of information.

(b) STUDY.—The Administrator shall conduct a study on the feasibility, impact, and cost of using commercial communications programs services for suborbital flight programs and low-Earth orbit research.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress and make publicly available a report that describes the results of the study conducted under subsection (b).

Mr. CRUZ. I ask unanimous consent that the committee-reported substitute be withdrawn; that the Cruz substitute amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 2718) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 2800), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2800

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2020''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise expressly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CISLUNAR SPACE.—The term ''cislunar space'' means the region of space beyond

low-Earth orbit out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, including cislunar space.

(6) DEVELOPMENT COST.—The term ''development cost'' has the meaning given the term in section 30104 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has entered into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described in section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

(12) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Act of 2010 (42 U.S.C. 18322).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administration for fiscal year 2021 $23,495,000,000 as follows:

(1) For Exploration, $6,706,400,000.

(2) For Space Operations, $3,988,200,000.

(3) For Science, $7,274,700,000.

(4) For Aeronautics, $828,700,000.

(5) For Space Technology, $1,206,000,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, $120,000,000.

(7) For Safety, Security, and Mission Services, $2,936,500,000.

(8) For Construction and Environmental Compliance and Restoration, $390,300,000.

(9) For Inspector General, $44,200,000.

TITLE II—HUMAN SPACEFLIGHT AND EXPLORATION

SEC. 201. ADVANCED CISLUNAR AND LUNAR SURFACE CAPABILITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) commercial entities in the United States have made significant investment and progress toward the development of human-class lunar landers;

(2) NASA developed the Artemis program—

(A) to fulfill the goal of landing United States astronauts, including the first woman and the next man, on the Moon; and

(B) to collaborate with commercial and international partners to establish sustainable lunar exploration by 2028; and

(3) in carrying out the Artemis program, the Administration should ensure that the entire Artemis program is inclusive and representative of all people of the United States, including women and minorities.

(b) LANDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall foster the flight demonstration of not more than 2 human-class lunar lander designs through public-private partnerships.

(2) INITIAL DEVELOPMENT PHASE.—The Administrator may support the formulation of more than 2 concepts in the initial development phase.

(c) REQUIREMENTS.—In carrying out the program under subsection (b), the Administrator shall—

(1) enter into industry-led partnerships using a fixed-price, milestone-based approach;

(2) to the maximum extent practicable, encourage reusability and sustainability of systems developed;

(3) prioritize safety and implement robust ground and in-space test requirements;

(4) ensure availability of 1 or more lunar polar science payloads for a demonstration mission; and

(5) to the maximum extent practicable, offer existing capabilities and assets of NASA centers to support these partnerships.

SEC. 202. SPACE LAUNCH SYSTEM CONFIGURATIONS.

(a) MOBILE LAUNCH PLATFORM.—The Administrator is authorized to maintain 2 operational mobile launch platforms to enable the launch of multiple configurations of the Space Launch System.

(b) EXPLORATION UPPER STAGE.—To meet the capability requirements under section 302(c)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall continue development of the Exploration Upper Stage for the Space Launch System with a scheduled availability sufficient for use on the third launch of the Space Launch System.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on the development and scheduled availability of the Exploration Upper Stage for the third launch of the Space Launch System.

(d) MAIN PROPULSION TEST ARTICLE.—To meet the requirements under section 302(c)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(3)), the Administrator shall—

(1) immediately on completion of the first full-duration integrated core stage test of the Space Launch System, initiate development of a main propulsion test article for the integrated core stage propulsion elements of the Space Launch System, consistent with cost and schedule constraints, particularly for long-lead propulsion hardware needed for flight;

(2) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a detailed plan for the development and operation of such main propulsion test article; and

(3) use existing capabilities of NASA centers for the design, manufacture, and operation of the main propulsion test article.

SEC. 203. ADVANCED SPACESUITS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that next-generation advanced spacesuits are a critical technology for human space exploration and use of low-Earth orbit, cislunar space, the surface of the Moon, and Mars.

(b) DEVELOPMENT PLAN.—The Administrator shall establish a detailed plan for the development and manufacture of advanced spacesuits, consistent with the deep space exploration goals and timetables of NASA.

(c) DIVERSE ASTRONAUT CORPS.—The Administrator shall ensure that spacesuits developed and manufactured after the date of the enactment of this Act are capable of accommodating a wide range of sizes of astronauts so as to meet the needs of the diverse NASA astronaut corps.

(d) ISS USE.—Throughout the operational life of the ISS, the Administrator should fully use the ISS for testing advanced spacesuits.

(e) PRIOR INVESTMENTS.—

(1) IN GENERAL.—In developing an advanced spacesuit, the Administrator shall, to the maximum extent practicable, partner with industry-proven spacesuit design, development, and manufacturing suppliers and leverage prior and existing investments in advanced spacesuit technologies and existing capabilities at NASA centers to maximize the benefits of such investments and technologies.

(2) AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out this subsection, the Administrator may enter into 1 or more agreements with 1 or more private entities for the manufacture of advanced spacesuits, as the Administrator considers appropriate.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter until NASA procures advanced spacesuits under this section, the Administrator shall brief the appropriate committees of Congress on the development plan in subsection (b).

SEC. 204. ACQUISITION OF DOMESTIC SPACE TRANSPORTATION AND LOGISTICS RESUPPLY SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator shall not enter into any contract with a person or entity that proposes to use, or will use, a foreign launch provider for a commercial service to provide space transportation or logistics resupply for—

(1) the ISS; or

(2) any Government-owned or Government-funded platform in Earth orbit or cislunar space, on the lunar surface, or elsewhere in space.

(b) EXCEPTION.—The Administrator may enter into a contract with a person or an entity that proposes to use, or will use, a foreign launch provider for a commercial service to carry out an activity described in subsection (a) if—

(1) a domestic vehicle or service is unavailable; or

(2) the launch vehicle or service is a contribution by a partner to an international no-exchange-of-funds collaborative effort.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator from entering into 1 or more no-exchange-of-funds collaborative agreements with an international partner in support of the deep space exploration plan of NASA.

SEC. 205. ROCKET ENGINE TEST INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall continue to carry out a program to modernize rocket propulsion test infrastructure at NASA facilities—

(1) to increase capabilities;

(2) to enhance safety;

(3) to support propulsion development and testing; and

(4) to foster the improvement of Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program described in subsection (a) may include—

(1) infrastructure and other facilities and systems relating to rocket propulsion test stands and rocket propulsion testing;

(2) enhancements to test facility capacity and flexibility; and

(3) such other projects as the Administrator considers appropriate to meet the goals described in that subsection.

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) prioritize investments in projects that enhance test and flight certification capabilities for large thrust-level atmospheric and altitude engines and engine systems, and multi-engine integrated test capabilities;

(2) continue to make underutilized test facilities available for commercial use on a reimbursable basis; and

(3) ensure that no project carried out under this program adversely impacts, delays, or defers testing or other activities associated with facilities used for Government programs, including—

(A) the Space Launch System and the Exploration Upper Stage of the Space Launch System;

(B) in-space propulsion to support exploration missions; or

(C) nuclear propulsion testing.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and the Exploration Upper Stage of the Space Launch System, from using the modernized test infrastructure developed under this section.

(e) WORKING CAPITAL FUND STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the use of the authority under section 30102 of title 51, United States Code, to promote increased use of NASA rocket propulsion test infrastructure for research, development, testing, and evaluation activities by other Federal agencies, firms, associations, corporations, and educational institutions.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) An assessment of prior use, if any, of the authority under section 30102 of title 51, United States Code, to improve testing infrastructure.

(B) An analysis of any barrier to implementation of such authority for the purpose of promoting increased use of NASA rocket propulsion test infrastructure.

SEC. 206. INDIAN RIVER BRIDGE.

(a) IN GENERAL.—The Administrator, in coordination with the heads of other Federal agencies that use the Indian River Bridge on the NASA Causeway, shall develop a plan to ensure that a bridge over the Indian River at such location provides access to the Eastern Range for national security, civil, and commercial space operations.

(b) FEE OR TOLL DISCOURAGED.—The plan shall strongly discourage the imposition of a user fee or toll on a bridge over the Indian River at such location.

SEC. 207. PEARL RIVER MAINTENANCE.

(a) IN GENERAL.—The Administrator shall coordinate with the Chief of the Army Corps of Engineers to ensure the continued navigability of the Pearl River and Little Lake channels sufficient to support NASA barge operations surrounding Stennis Space Center and the Michoud Assembly Facility.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on efforts under subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

SEC. 208. VALUE OF INTERNATIONAL SPACE STATION AND CAPABILITIES IN LOW-EARTH ORBIT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(2) low-Earth orbit should be used as a test bed to advance human space exploration and scientific discoveries; and

(3) the ISS is a critical component of economic, commercial, and industrial development in low-Earth orbit.

(b) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the ISS.

SEC. 209. EXTENSION AND MODIFICATION RELATING TO INTERNATIONAL SPACE STATION.

(a) POLICY.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ''2024'' and inserting ''2030''.

(b) MAINTENANCE OF UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended—

(1) in paragraph (1), in the first sentence—

(A) by striking ''As soon as practicable'' and all that follows through ''2011,'' and inserting ''The''; and

(B) by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(2) in paragraph (2), in the third sentence, by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(d) MAINTENANCE OF USE.—

(1) IN GENERAL.—Section 70907 of title 51, United States Code, is amended—

(A) in the section heading, by striking ''**2024**'' and inserting ''**2030**'';

(B) in subsection (a), by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(C) in subsection (b)(3), by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(e) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code is amended—

(1) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(2) in subparagraph (J), by striking ''2028'' and inserting ''2030''.

(f) ELIMINATION OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.—Section 70906 of title 51, United States Code, is repealed.

(g) CONFORMING AMENDMENTS.—Chapter 709 of title 51, United States Code, is amended—

(1) by redesignating section 70907 as section 70906; and

(2) in the table of sections for the chapter, by striking the items relating to sections 70906 and 70907 and inserting the following:

''70906. Maintaining use through at least 2030.''.

SEC. 210. DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the ISS as of the date of the review; and

(2) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 211. COMMERCIAL DEVELOPMENT IN LOW-EARTH ORBIT.

(a) STATEMENT OF POLICY.—It is the policy of the United States to encourage the development of a thriving and robust United States commercial sector in low-Earth orbit.

(b) PREFERENCE FOR UNITED STATES COMMERCIAL PRODUCTS AND SERVICES.—The Administrator shall continue to increase the use of assets, products, and services of private entities in the United States to fulfill the low-Earth orbit requirements of the Administration.

(c) NONCOMPETITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not offer to a foreign person or a foreign government a spaceflight product or service relating to the ISS, if a comparable spaceflight product or service, as applicable, is offered by a private entity in the United States.

(2) EXCEPTION.—The Administrator may offer a spaceflight product or service relating to the ISS to the government of a country that is a signatory to the Agreement Among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed at Washington January 29, 1998, and entered into force on March 27, 2001 (TIAS 12927), including an international partner astronaut (as defined in section 50902 of title 51, United States Code) that is sponsored by the government of such a country.

(d) SHORT-DURATION COMMERCIAL MISSIONS.—To provide opportunities for additional transport of astronauts to the ISS and help establish a commercial market in low-Earth orbit, the Administrator may permit short-duration missions to the ISS for commercial passengers on a fully or partially reimbursable basis.

(e) PROGRAM AUTHORIZATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a low-Earth orbit commercial development program to encourage the fullest commercial use and development of space by private entities in the United States.

(2) ELEMENTS.—The program established under paragraph (1) shall, to the maximum extent practicable, include activities—

(A) to stimulate demand for—

(i) space-based commercial research, development, and manufacturing;

(ii) spaceflight products and services; and

(iii) human spaceflight products and services in low-Earth orbit;

(B) to improve the capability of the ISS to accommodate commercial users; and

(C) subject to paragraph (3), to foster the development of commercial space stations and habitats.

(3) COMMERCIAL SPACE STATIONS AND HABITATS.—

(A) PRIORITY.—With respect to an activity to develop a commercial space station or habitat, the Administrator shall give priority to an activity for which a private entity provides a significant share of the cost to develop and operate the activity.

(B) REPORT.—Not later than 30 days after the date that an award or agreement is made

to carry out an activity to develop a commercial space station or habitat, the Administrator shall submit to the appropriate committees of Congress a report on the development of the commercial space station or habitat, as applicable, that includes—

(i) a business plan that describes the manner in which the project will—

(I) meet the future requirements of NASA for low-Earth orbit human space-flight services; and

(II) fulfill the cost-share funding prioritization under subparagraph (A); and

(ii) a review of the viability of the operational business case, including—

(I) the level of expected Government participation;

(II) a list of anticipated nongovernmental an international customers and associated contributions; and

(III) an assessment of long-term sustainability for the nongovernmental customers, including an independent assessment of the viability of the market for such commercial services or products.

SEC. 212. MAINTAINING A NATIONAL LABORATORY IN SPACE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States segment of the International Space Station (as defined in section 70905 of title 51, United States Code), which is designated as a national laboratory under section 70905(b) of title 51, United States Code—

(A) benefits the scientific community and promotes commerce in space;

(B) fosters stronger relationships among NASA and other Federal agencies, the private sector, and research groups and universities;

(C) advances science, technology, engineering, and mathematics education through use of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

(2) after the ISS is decommissioned, the United States should maintain a national microgravity laboratory in space;

(3) in maintaining a national microgravity laboratory in space, the United States should make appropriate accommodations for different types of ownership and operation arrangements for the ISS and future space stations;

(4) to the maximum extent practicable, a national microgravity laboratory in space should be maintained in cooperation with international space partners; and

(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cislunar space, orbital and suborbital flights, drop towers, and other microgravity testing environments.

(b) REPORT.—The Administrator, in coordination with the National Space Council and other Federal agencies as the Administrator considers appropriate, shall issue a report detailing the feasibility of establishing a microgravity national laboratory federally funded research and development center to carry out activities relating to the study and use of in-space conditions.

SEC. 213. INTERNATIONAL SPACE STATION NATIONAL LABORATORY; PROPERTY RIGHTS IN INVENTIONS.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

"§ 20150. Property rights in designated inventions

''(a) EXCLUSIVE PROPERTY RIGHTS.—Notwithstanding section 3710a of title 15, chapter 18 of title 35, section 20135, or any other provision of law, a designated invention shall be the exclusive property of a user, and shall not be subject to a Government-purpose license, if—

''(1)(A) the Administration is reimbursed under the terms of the contract for the full cost of a contribution by the Federal Government of the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d));

''(B) Federal funds are not transferred to the user under the contract; and

''(C) the designated invention was made (as defined in section 20135(a))—

''(i) solely by the user; or

''(ii)(I) by the user with the services of a Federal employee under the terms of the contract; and

''(II) the Administration is reimbursed for such services under subparagraph (B); or

''(2) the Administrator determines that the relevant field of commercial endeavor is sufficiently immature that granting exclusive property rights to the user is necessary to help bolster demand for products and services produced on crewed or crew-tended space stations.

''(b) NOTIFICATION TO CONGRESS.—On completion of a determination made under paragraph (2), the Administrator shall submit to the appropriate committees of Congress a notification of the determination that includes a written justification.

''(c) PUBLIC AVAILABILITY.—A determination or part of such determination under paragraph (1) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the rights of the Federal Government, including property rights in inventions, under any contract, except in the case of a written contract with the Administration or the ISS management entity for the performance of a designated activity.

''(e) DEFINITIONS.—In this section—

''(1) CONTRACT.—The term 'contract' has the meaning giving the term in section 20135(a).

''(2) DESIGNATED ACTIVITY.—The term 'designated activity' means any non-NASA scientific use of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354).

''(3) DESIGNATED INVENTION.—The term 'designated invention' means any invention, product, or service conceived or first reduced to practice by any person in the performance of a designated activity under a written contract with the Administration or the ISS management entity.

''(4) FULL COST.—The term 'full cost' means the cost of transporting materials or passengers to and from the ISS, including any power needs, the disposal of mass, crew member time, stowage, power on the ISS, data downlink, crew consumables, and life support.

''(5) GOVERNMENT-PURPOSE LICENSE.—The term 'Government-purpose license' means the reservation by the Federal Government of an irrevocable, nonexclusive, nontransferable, royalty-free license for the use of an invention throughout the world by or on behalf of the United States or any foreign government pursuant to a treaty or agreement with the United States.

''(6) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' means the organization with which the Administrator enters into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

''(7) USER.—The term 'user' means a person, including a nonprofit organization or small business firm (as such terms are defined in section 201 of title 35), or class of persons that enters into a written contract with the Administration or the ISS management entity for the performance of designated activities.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20149 the following:

''20150. Property rights in designated inventions.''.

SEC. 214. DATA FIRST PRODUCED DURING NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.

(a) DATA RIGHTS.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 213, is further amended by adding at the end the following:

"§ 20151. Data rights

''(a) NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.—The Federal Government may not use or reproduce, or disclose outside of the Government, any data first produced in the performance of a designated activity under a written contract with the Administration or the ISS management entity, unless—

''(1) otherwise agreed under the terms of the contract with the Administration or the ISS management entity, as applicable;

''(2) the designated activity is carried out with Federal funds;

''(3) disclosure is required by law;

''(4) the Federal Government has rights in the data under another Federal contract, grant, cooperative agreement, or other transaction; or

''(5) the data is—

''(A) otherwise lawfully acquired or independently developed by the Federal Government;

''(B) related to the health and safety of personnel on the ISS; or

''(C) essential to the performance of work by the ISS management entity or NASA personnel.

''(b) DEFINITIONS.—In this section:

''(1) CONTRACT.—The term 'contract' has the meaning given the term under section 20135(a).

''(2) DATA.—

''(A) IN GENERAL.—The term 'data' means recorded information, regardless of form or the media on which it may be recorded.

''(B) INCLUSIONS.—The term 'data' includes technical data and computer software.

''(C) EXCLUSIONS.—The term 'data' does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

''(3) DESIGNATED ACTIVITY.—The term 'designated activity' has the meaning given the term in section 20150.

''(4) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' has the meaning given the term in section 20150.''.

(b) SPECIAL HANDLING OF TRADE SECRETS OR CONFIDENTIAL INFORMATION.—Section 20131(b)(2) of title 51, United States Code, is amended to read as follows:

''(2) INFORMATION DESCRIBED.—

''(A) ACTIVITIES UNDER AGREEMENT.—Information referred to in paragraph (1) is information that—

''(i) results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113; and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

''(B) CERTAIN DATA.—Information referred to in paragraph (1) includes data (as defined in section 20151) that—

''(i) was first produced by the Administration in the performance of any designated activity (as defined in section 20150); and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the data had been obtained from a non-Federal party.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section 213, is further amended by inserting after the item relating to section 20150 the following:

''20151. Data rights.''.

SEC. 215. PAYMENTS RECEIVED FOR COMMERCIAL SPACE-ENABLED PRODUCTION ON THE ISS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator should determine a threshold for NASA to recover the costs of supporting the commercial development of products or services aboard the ISS, through the negotiation of agreements, similar to agreements made by other Federal agencies that support private sector innovation; and

(2) the amount of such costs that to be recovered or profits collected through such agreements should be applied by the Administrator through a tiered process, taking into consideration the relative maturity and profitability of the applicable product or service.

(b) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 214, is further amended by adding at the end the following:

''§ 20152. Payments received for commercial space-enable production

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Administrator shall review the profitability of any partnership with a private entity under a contract in which the Administrator—

''(A) permits the use of the ISS by such private entities to produce a commercial product or service; and

''(B) provides the total unreimbursed cost of a contribution by the Federal Government for the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)).

''(2) NEGOTIATION OF REIMBURSEMENTS.—Subject to the review described in paragraph (1), the Administrator shall seek to enter into an agreement to negotiate reimbursements for payments received, or portions of profits created, by any mature, profitable private entity described in that paragraph, as appropriate, through a tiered process that reflects the profitability of the relevant product or service.

''(3) USE OF FUNDS.—Amounts received by the Administrator in accordance with an agreement under paragraph (2) shall be used by the Administrator in the following order of priority:

''(A) To defray the operating cost of the ISS.

''(B) To develop, implement, or operate future low-Earth orbit platforms or capabilities.

''(C) To develop, implement, or operate future human deep space platforms or capabilities.

''(D) Any other costs the Administrator considers appropriate.

''(4) REPORT.—On completion of the first annual review under paragraph (1), and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report that includes a description of the results of the annual review, any agreement entered into under this section, and the amounts recouped or obtained under any such agreement.

''(b) LICENSING AND ASSIGNMENT OF INVENTIONS.—Notwithstanding sections 3710a and 3710c of title 15 and any other provision of law, after payment in accordance with subsection (A)(i) of such section 3710c(a)(1)(A)(i) to the inventors who have directly assigned to the Federal Government their interests in an invention under a written contract with the Administration or the ISS management entity for the performance of a designated activity, the balance of any royalty or other payment received by the Administrator or the ISS management entity from licensing and assignment of such invention shall be paid by the Administrator or the ISS management entity, as applicable, to the Space Exploration Fund.

''(c) SPACE EXPLORATION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'Space Exploration Fund' (referred to in this subsection as the 'Fund'), to be administered by the Administrator.

''(2) USE OF FUND.—The Fund shall be available to carry out activities described in subsection (a)(3).

''(3) DEPOSITS.—There shall be deposited in the Fund—

''(A) amounts appropriated to the Fund;

''(B) fees and royalties collected by the Administrator or the ISS management entity under subsections (a) and (b); and

''(C) donations or contributions designated to support authorized activities.

''(4) RULE OF CONSTRUCTION.—Amounts available to the Administrator under this subsection shall be—

''(A) in addition to amounts otherwise made available for the purpose described in paragraph (2); and

''(B) available for a period of 5 years, to the extent and in the amounts provided in annual appropriation Acts.

''(d) DEFINITIONS.—

''(1) IN GENERAL.—In this section, any term used in this section that is also used in section 20150 shall have the meaning given the term in that section.

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

''(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section and 214, is further amended by inserting after the item relating to section 20151 the following:

''20152. Payments received for commercial space-enabled production.''.

SEC. 216. STEPPING STONE APPROACH TO EXPLORATION.

(a) IN GENERAL.—Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—The Administrator, in sustainable steps, may conduct missions to intermediate destinations, such as the Moon, in accordance with section 20302(b), and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)), if the Administrator—

''(1) determines that each such mission demonstrates or advances a technology or operational concept that will enable human missions to Mars; and

''(2) incorporates each such mission into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note).

''(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—In conducting a mission under subsection (a), the Administrator shall—

''(1) use a combination of launches of the Space Launch System and space transportation services from United States commercial providers, as appropriate, for the mission;

''(2) plan for not fewer than 1 Space Launch System launch annually beginning after the first successful crewed launch of Orion on the Space Launch System; and

''(3) establish an outpost in orbit around the Moon that—

''(A) demonstrates technologies, systems, and operational concepts directly applicable to the space vehicle that will be used to transport humans to Mars;

''(B) has the capability for periodic human habitation; and

''(C) can function as a point of departure, return, or staging for Administration or nongovernmental or international partner missions to multiple locations on the lunar surface or other destinations.

''(c) COST-EFFECTIVENESS.—To maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging nongovernmental and international partners, to ensure that activities in the Administration's human space exploration program are balanced in order to help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(d) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delay.

''(e) INTERNATIONAL PARTICIPATION.—To achieve the goal of successfully conducting a crewed mission to the surface of Mars, the Administrator shall invite the partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

(b) DEFINITION OF CISLUNAR SPACE.—Section 10101 of title 51, United States Code, is amended by adding at the end the following:

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

SEC. 217. TECHNICAL AMENDMENTS RELATING TO ARTEMIS MISSIONS.

(a) Section 421 of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20301 note) is amended—

(1) in subsection (c)(3)—

(A) by striking ''EM–1'' and inserting ''Artemis I'';

(B) by striking ''EM–2'' and inserting ''Artemis II''; and

(C) by striking ''EM–3'' and inserting ''Artemis III''; and

(2) in subsection (f)(3), by striking ''EM–3'' and inserting ''Artemis III''.

(b) Section 432(b) of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note) is amended—

(1) in paragraph (3)(D)—

(A) by striking ''EM–1'' and inserting ''Artemis I''; and

(B) by striking ''EM–2'' and inserting ''Artemis II''; and

(2) in paragraph (4)(C), by striking ''EM–3'' and inserting ''Artemis III''.

TITLE III—SCIENCE

SEC. 301. SCIENCE PRIORITIES.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the decadal surveys of the National Academies of Sciences, Engineering, and Medicine.

(b) NATIONAL ACADEMIES DECADAL SURVEYS.—Section 20305(c) of title 51, United States Code, is amended—

(1) by striking ''The Administrator shall'' and inserting the following:

''(1) REEXAMINATION OF PRIORITIES BY NATIONAL ACADEMIES.—The Administrator shall''; and

(2) by adding at the end the following:

''(2) REEXAMINATION OF PRIORITIES BY ADMINISTRATOR.—If the Administrator decides to reexamine the applicability of the priorities of the decadal surveys to the missions and activities of the Administration due to scientific discoveries or external factors, the Administrator shall consult with the relevant committees of the National Academies.''.

SEC. 302. LUNAR DISCOVERY PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to conduct lunar science research, including missions to the surface of the Moon, that materially contributes to the objective described in section 20102(d)(1) of title 51, United States Code.

(b) COMMERCIAL LANDERS.—In carrying out the program under subsection (a), the Administrator shall procure the services of commercial landers developed primarily by United States industry to land science payloads of all classes on the lunar surface.

(c) LUNAR SCIENCE RESEARCH.—The Administrator shall ensure that lunar science research carried out under subsection (a) is consistent with recommendations made by the National Academies of Sciences, Engineering, and Medicine.

(d) LUNAR POLAR VOLATILES.—In carrying out the program under subsection (a), the Administrator shall, at the earliest opportunity, consider mission proposals to evaluate the potential of lunar polar volatiles to contribute to sustainable lunar exploration.

SEC. 303. SEARCH FOR LIFE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the report entitled ''An Astrobiology Strategy for the Search for Life in the Universe'' published by the National Academies of Sciences, Engineering, and Medicine outlines the key scientific questions and methods for fulfilling the objective of NASA to search for the origin, evolution, distribution, and future of life in the universe; and

(2) the interaction of lifeforms with their environment, a central focus of astrobiology research, is a topic of broad significance to life sciences research in space and on Earth.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—The Administrator shall continue to implement a collaborative, multidisciplinary science and technology development program to search for proof of the existence or historical existence of life beyond Earth in support of the objective described in section 20102(d)(10) of title 51, United States Code.

(2) ELEMENT.—The program under paragraph (1) shall include activities relating to astronomy, biology, geology, and planetary science.

(3) COORDINATION WITH LIFE SCIENCES PROGRAM.—In carrying out the program under paragraph (1), the Administrator shall coordinate efforts with the life sciences program of the Administration.

(4) TECHNOSIGNATURES.—In carrying out the program under paragraph (1), the Administrator shall support activities to search for and analyze technosignatures.

(5) INSTRUMENTATION AND SENSOR TECHNOLOGY.—In carrying out the program under paragraph (1), the Administrator may strategically invest in the development of new instrumentation and sensor technology.

SEC. 304. JAMES WEBB SPACE TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy;

(2) the James Webb Space Telescope was developed as an ambitious project with a scope that was not fully defined at inception and with risk that was not fully known or understood;

(3) despite the major technology development and innovation that was needed to construct the James Webb Space Telescope, major negative impacts to the cost and schedule of the James Webb Space Telescope resulted from poor program management and poor contractor performance;

(4) the Administrator should take into account the lessons learned from the cost and schedule issues relating to the development of the James Webb Space Telescope in making decisions regarding the scope of and the technologies needed for future scientific missions; and

(5) in selecting future scientific missions, the Administrator should take into account the impact that large programs that overrun cost and schedule estimates may have on other NASA programs in earlier phases of development.

(b) PROJECT CONTINUATION.—The Administrator shall continue—

(1) to closely track the cost and schedule performance of the James Webb Space Telescope project; and

(2) to improve the reliability of cost estimates and contractor performance data throughout the remaining development of the James Webb Space Telescope.

(c) REVISED ESTIMATE.—Due to delays to the James Webb Space Telescope project resulting from the COVID–19 pandemic, the Administrator shall provide to Congress—

(1) an estimate of any increase to program development costs, if such costs are anticipated to exceed $8,802,700,000; and

(2) an estimate for a revised launch date.

SEC. 305. WIDE-FIELD INFRARED SURVEY TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) major growth in the cost of astrophysics flagship-class missions has impacted the overall portfolio balance of the Science Mission Directorate; and

(2) the Administrator should continue to develop the Wide-Field Infrared Survey Telescope with a development cost of not more than $3,200,000,000.

(b) PROJECT CONTINUATION.—The Administrator shall continue to develop the Wide-Field Infrared Survey Telescope to meet the objectives outlined in the 2010 decadal survey on astronomy and astrophysics of the National Academies of Sciences, Engineering, and Medicine in a manner that maximizes scientific productivity based on the resources invested.

SEC. 306. STUDY ON SATELLITE SERVICING FOR SCIENCE MISSIONS.

(a) IN GENERAL.—The Administrator shall conduct a study on the feasibility of using in-space robotic refueling, repair, or refurbishment capabilities to extend the useful life of telescopes and other science missions that are operational or in development as of the date of the enactment of this Act.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) An identification of the technologies and in-space testing required to demonstrate the in-space robotic refueling, repair, or refurbishment capabilities described in that subsection.

(2) The projected cost of using such capabilities, including the cost of extended operations for science missions described in that subsection.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a briefing on the results of the study conducted under subsection (a).

(d) PUBLIC AVAILABILITY.—Not later than 30 days after the Administrator provides the briefing under subsection (c), the Administrator shall make the study conducted under subsection (a) available to the public.

SEC. 307. EARTH SCIENCE MISSIONS AND PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Earth Science Division of NASA plays an important role in national efforts—

(1) to collect and use Earth observations in service to society; and

(2) to understand global change.

(b) EARTH SCIENCE MISSIONS AND PROGRAMS.—With respect to the missions and programs of the Earth Science Division, the Administrator shall, to the maximum extent practicable, follow the recommendations and guidance provided by the scientific community through the decadal survey for Earth science and applications from space of the National Academies of Sciences, Engineering, and Medicine, including—

(1) the science priorities described in such survey;

(2) the execution of the series of existing or previously planned observations (commonly known as the ''program of record''); and

(3) the development of a range of missions of all classes, including opportunities for

principal investigator-led, competitively selected missions.

SEC. 308. LIFE SCIENCE AND PHYSICAL SCIENCE RESEARCH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the 2011 decadal survey on biological and physical sciences in space identifies—

(A) many areas in which fundamental scientific research is needed to efficiently advance the range of human activities in space, from the first stages of exploration to eventual economic development; and

(B) many areas of basic and applied scientific research that could use the microgravity, radiation, and other aspects of the spaceflight environment to answer fundamental scientific questions;

(2) given the central role of life science and physical science research in developing the future of space exploration, NASA should continue to invest strategically in such research to maintain United States leadership in space exploration; and

(3) such research remains important to the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—In support of the goals described in section 20302 of title 51, United States Code, the Administrator shall continue to implement a collaborative, multidisciplinary life science and physical science fundamental research program—

(A) to build a scientific foundation for the exploration and development of space;

(B) to investigate the mechanisms of changes to biological systems and physical systems, and the environments of those systems in space, including the effects of long-duration exposure to deep space-related environmental factors on those systems;

(C) to understand the effects of combined deep space radiation and altered gravity levels on biological systems so as to inform the development and testing of potential countermeasures;

(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program;

(E) to provide scientific opportunities to educate, train, and develop the next generation of researchers and engineers; and

(F) to provide state-of-the-art data repositories and curation of large multi-data sets to enable comparative research analyses.

(2) ELEMENTS.—The program under paragraph (1) shall—

(A) include fundamental research relating to life science, space bioscience, and physical science; and

(B) maximize intra-agency and interagency partnerships to advance space exploration, scientific knowledge, and benefits to Earth.

(3) USE OF FACILITIES.—In carrying out the program under paragraph (1), the Administrator may use ground-based, air-based, and space-based facilities in low-Earth orbit and beyond low-Earth orbit.

SEC. 309. SCIENCE MISSIONS TO MARS.

(a) IN GENERAL.—The Administrator shall conduct 1 or more science missions to Mars to enable the selection of 1 or more sites for human landing.

(b) SAMPLE PROGRAM.—The Administrator may carry out a program—

(1) to collect samples from the surface of Mars; and

(2) to return such samples to Earth for scientific analysis.

(c) USE OF EXISTING CAPABILITIES AND ASSETS.—In carrying out this section, the Administrator shall, to the maximum extent practicable, use existing capabilities and assets of NASA centers.

SEC. 310. PLANETARY DEFENSE COORDINATION OFFICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Near-Earth objects remain a threat to the United States.

(2) Section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) established a requirement that the Administrator plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth, with the goal of 90-percent completion of the catalogue of such near-Earth objects by December 30, 2020.

(3) The current planetary defense strategy of NASA acknowledges that such goal will not be met.

(4) The report of the National Academies of Sciences, Engineering, and Medicine entitled ''Finding Hazardous Asteroids Using Infrared and Visible Wavelength Telescopes'' issued in 2019 states that—

(A) NASA cannot accomplish such goal with currently available assets;

(B) NASA should develop and launch a dedicated space-based infrared survey telescope to meet the requirements of section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.); and

(C) the early detection of potentially hazardous near-Earth objects enabled by a space-based infrared survey telescope is important to enable deflection of a dangerous asteroid.

(b) ESTABLISHMENT OF PLANETARY DEFENSE COORDINATION OFFICE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish an office within the Planetary Science Division of the Science Mission Directorate, to be known as the ''Planetary Defense Coordination Office'', to plan, develop, and implement a program to survey threats posed by near-Earth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(2) ACTIVITIES.—The Administrator shall—

(A) develop and, not later than September 30, 2025, launch a space-based infrared survey telescope that is capable of detecting near-Earth objects equal to or greater than 140 meters in diameter, with preference given to planetary missions selected by the Administrator as of the date of the enactment of this Act to pursue concept design studies relating to the development of a space-based infrared survey telescope;

(B) identify, track, and characterize potentially hazardous near-Earth objects and issue warnings of the effects of potential impacts of such objects; and

(C) assist in coordinating Government planning for response to a potential impact of a near-Earth object.

(c) ANNUAL REPORT.—Section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) is amended to read as follows:

''(f) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020, and annually thereafter through 90-percent completion of the catalogue required by subsection (d)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the following:

''(1) A summary of all activities carried out by the Planetary Defense Coordination Office established under section 310(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2020 since the date of enactment of that Act.

''(2) A description of the progress with respect to the design, development, and launch of the space-based infrared survey telescope required by section 310(b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2020.

''(3) An assessment of the progress toward meeting the requirements of subsection (d)(1).

''(4) A description of the status of efforts to coordinate planetary defense activities in response to a threat posed by a near-Earth object with other Federal agencies since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2020.

''(5) A description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(6) A summary of expenditures for all activities carried out by the Planetary Defense Coordination Office since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2020.''.

(d) LIMITATION ON USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act for a fiscal year may be obligated or expended for the Office of the Administrator during the last 3 months of that fiscal year unless the Administrator submits the report for that fiscal year required by section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(e) NEAR-EARTH OBJECT DEFINED.—In this section, the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

SEC. 311. SUBORBITAL SCIENCE FLIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that commercially available suborbital flight platforms enable low-cost access to a microgravity environment to advance science and train scientists and engineers under the Suborbital Research Program established under section 802(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18382(c)).

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report evaluating the manner in which suborbital flight platforms can contribute to meeting the science objectives of NASA for the Science Mission Directorate and the Human Exploration and Operations Mission Directorate.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the advantages of suborbital flight platforms to meet science objectives.

(B) An evaluation of the challenges to greater use of commercial suborbital flight platforms for science purposes.

(C) An analysis of whether commercial suborbital flight platforms can provide low-cost flight opportunities to test lunar and Mars science payloads.

SEC. 312. EARTH SCIENCE DATA AND OBSERVATIONS.

(a) IN GENERAL.—The Administrator shall to the maximum extent practicable, make available to the public in an easily accessible electronic database all data (including metadata, documentation, models, data processing methods, images, and research results) of the missions and programs of the Earth Science Division of the Administration, or any successor division.

(b) OPEN DATA PROGRAM.—In carrying out subsection (a), the Administrator shall establish and continue to operate an open data program that—

(1) is consistent with the greatest degree of interactivity, interoperability, and accessibility; and

(2) enables outside communities, including the research and applications community, private industry, academia, and the general public, to effectively collaborate in areas important to—

(A) studying the Earth system and improving the prediction of Earth system change; and

(B) improving model development, data assimilation techniques, systems architecture integration, and computational efficiencies; and

(3) meets basic end-user requirements for running on public computers and networks located outside of secure Administration information and technology systems.

(c) HOSTING.—The program under subsection (b) shall use, as appropriate and cost-effective, innovative strategies and methods for hosting and management of part or all of the program, including cloud-based computing capabilities.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted to require the Administrator to release classified, proprietary, or otherwise restricted information that would be harmful to the national security of the United States.

SEC. 313. SENSE OF CONGRESS ON SMALL SATELLITE SCIENCE.

It is the sense of Congress that—

(1) small satellites—

(A) are increasingly robust, effective, and affordable platforms for carrying out space science missions;

(B) can work in tandem with or augment larger NASA spacecraft to support high-priority science missions of NASA; and

(C) are cost effective solutions that may allow NASA to continue collecting legacy observations while developing next-generation science missions; and

(2) NASA should continue to support small satellite research, development, technologies, and programs, including technologies for compact and lightweight instrumentation for small satellites.

SEC. 314. SENSE OF CONGRESS ON COMMERCIAL SPACE SERVICES.

It is the sense of Congress that—

(1) the Administration should explore partnerships with the commercial space industry for space science missions in and beyond Earth orbit, including partnerships relating to payload and instrument hosting and commercially available datasets; and

(2) such partnerships could result in increased mission cadence, technology advancement, and cost savings for the Administration.

SEC. 315. PROCEDURES FOR IDENTIFYING AND ADDRESSING ALLEGED VIOLATIONS OF SCIENTIFIC INTEGRITY POLICY.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop and document procedures for identifying and addressing alleged violations of the scientific integrity policy of NASA.

TITLE IV—AERONAUTICS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Aeronautics Innovation Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) AERONAUTICS STRATEGIC IMPLEMENTATION PLAN.—The term ''Aeronautics Strategic Implementation Plan'' means the Aeronautics Strategic Implementation Plan issued by the Aeronautics Research Mission Directorate.

(2) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

(3) X-PLANE.—The term ''X-plane'' means an experimental aircraft that is—

(A) used to test and evaluate a new technology or aerodynamic concept; and

(B) operated by NASA or the Department of Defense.

SEC. 403. EXPERIMENTAL AIRCRAFT PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) developing high-risk, precompetitive aerospace technologies for which there is not yet a profit rationale is a fundamental role of NASA;

(2) large-scale piloted flight test experimentation and validation are necessary for—

(A) transitioning new technologies and materials, including associated manufacturing processes, for general aviation, commercial aviation, and military aeronautics use; and

(B) capturing the full extent of benefits from investments made by the Aeronautics Research Mission Directorate in priority programs called for in—

(i) the National Aeronautics Research and Development Plan issued by the National Science and Technology Council in February 2010;

(ii) the NASA 2014 Strategic Plan;

(iii) the Aeronautics Strategic Implementation Plan; and

(iv) any updates to the programs called for in the plans described in clauses (i) through (iii);

(3) a level of funding that adequately supports large-scale piloted flight test experimentation and validation, including related infrastructure, should be ensured over a sustained period of time to restore the capacity of NASA—

(A) to see legacy priority programs through to completion; and

(B) to achieve national economic and security objectives; and

(4) NASA should not be directly involved in the Type Certification of aircraft for current and future scheduled commercial air service under part 121 or 135 of title 14, Code of Federal Regulations, that would result in reductions in crew augmentation or single pilot or autonomously operated aircraft.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain world leadership in—

(A) military and civilian aeronautical science and technology;

(B) global air power projection; and

(C) aerospace industrialization; and

(2) to maintain as a fundamental objective of NASA aeronautics research the steady progression and expansion of flight research and capabilities, including the science and technology of critical underlying disciplines and competencies, such as—

(A) computational-based analytical and predictive tools and methodologies;

(B) aerothermodynamics;

(C) propulsion;

(D) advanced materials and manufacturing processes;

(E) high-temperature structures and materials; and

(F) guidance, navigation, and flight controls.

(c) ESTABLISHMENT AND CONTINUATION OF X-PLANE PROJECTS.—

(1) IN GENERAL.—The Administrator shall establish or continue to implement, in a manner that is consistent with the roadmap for supersonic aeronautics research and development required by section 604(b) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 131 Stat. 55), the following projects:

(A) A low-boom supersonic aircraft project to demonstrate supersonic aircraft designs and technologies that—

(i) reduce sonic boom noise; and

(ii) assist the Administrator of the Federal Aviation Administration in enabling—

(I) the safe commercial deployment of civil supersonic aircraft technology; and

(II) the safe and efficient operation of civil supersonic aircraft.

(B) A subsonic flight demonstrator aircraft project to advance high-aspect-ratio, thin-wing aircraft designs and to integrate propulsion, composites, and other technologies that enable significant increases in energy efficiency and reduced life-cycle emissions in the aviation system while reducing noise and emissions.

(C) A series of large-scale X-plane demonstrators that are—

(i) developed sequentially or in parallel; and

(ii) each based on a set of new configuration concepts or technologies determined by the Administrator to demonstrate—

(I) aircraft and propulsion concepts and technologies and related advances in alternative propulsion and energy; and

(II) flight propulsion concepts and technologies.

(2) ELEMENTS.—For each project under paragraph (1), the Administrator shall—

(A) include the development of X-planes and all necessary supporting flight test assets;

(B) pursue a robust technology maturation and flight test validation effort;

(C) improve necessary facilities, flight testing capabilities, and computational tools to support the project;

(D) award any primary contracts for design, procurement, and manufacturing to United States persons, consistent with international obligations and commitments;

(E) coordinate research and flight test demonstration activities with other Federal agencies and the United States aviation community, as the Administrator considers appropriate; and

(F) ensure that the project is aligned with the Aeronautics Strategic Implementation Plan and any updates to the Aeronautics Strategic Implementation Plan.

(3) UNITED STATES PERSON DEFINED.—In this subsection, the term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(d) ADVANCED MATERIALS AND MANUFACTURING TECHNOLOGY PROGRAM.—

(1) IN GENERAL.—The Administrator may establish an advanced materials and manufacturing technology program—

(A) to develop—

(i) new materials, including composite and high-temperature materials, from base material formulation through full-scale structural validation and manufacture;

(ii) advanced materials and manufacturing processes, including additive manufacturing,

to reduce the cost of manufacturing scale-up and certification for use in general aviation, commercial aviation, and military aeronautics; and

(iii) noninvasive or nondestructive techniques for testing or evaluating aviation and aeronautics structures, including for materials and manufacturing processes;

(B) to reduce the time it takes to design, industrialize, and certify advanced materials and manufacturing processes;

(C) to provide education and training opportunities for the aerospace workforce; and

(D) to address global cost and human capital competitiveness for United States aeronautical industries and technological leadership in advanced materials and manufacturing technology.

(2) ELEMENTS.—In carrying out a program under paragraph (1), the Administrator shall—

(A) build on work that was carried out by the Advanced Composites Project of NASA;

(B) partner with the private and academic sectors, such as members of the Advanced Composites Consortium of NASA, the Joint Advanced Materials and Structures Center of Excellence of the Federal Aviation Administration, the Manufacturing USA institutes of the Department of Commerce, and national laboratories, as the Administrator considers appropriate;

(C) provide a structure for managing intellectual property generated by the program based on or consistent with the structure established for the Advanced Composites Consortium of NASA;

(D) ensure adequate Federal cost share for applicable research; and

(E) coordinate with advanced manufacturing and composites initiatives in other mission directorates of NASA, as the Administrator considers appropriate.

(e) RESEARCH PARTNERSHIPS.—In carrying out the projects under subsection (c) and a program under subsection (d), the Administrator may engage in cooperative research programs with—

(1) academia; and

(2) commercial aviation and aerospace manufacturers.

SEC. 404. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT SYSTEMS OPERATION PROGRAM.—The Administrator shall—

(1) research and test capabilities and concepts, including unmanned aircraft systems communications, for integrating unmanned aircraft systems into the national airspace system;

(2) leverage the partnership NASA has with industry focused on the advancement of technologies for future air traffic management systems for unmanned aircraft systems; and

(3) continue to align the research and testing portfolio of NASA to inform the integration of unmanned aircraft systems into the national airspace system, consistent with public safety and national security objectives.

(b) SENSE OF CONGRESS ON COORDINATION WITH FEDERAL AVIATION ADMINISTRATION.—It is the sense of Congress that—

(1) NASA should continue—

(A) to coordinate with the Federal Aviation Administration on research on air traffic management systems for unmanned aircraft systems; and

(B) to assist the Federal Aviation Administration in the integration of air traffic management systems for unmanned aircraft systems into the national airspace system; and

(2) the test ranges (as defined in section 44801 of title 49, United States Code) should continue to be leveraged for research on—

(A) air traffic management systems for unmanned aircraft systems; and

(B) the integration of such systems into the national airspace system.

SEC. 405. 21ST CENTURY AERONAUTICS CAPABILITIES INITIATIVE.

(a) IN GENERAL.—The Administrator may establish an initiative, to be known as the ''21st Century Aeronautics Capabilities Initiative'', within the Construction and Environmental Compliance and Restoration Account, to ensure that NASA possesses the infrastructure and capabilities necessary to conduct proposed flight demonstration projects across the range of NASA aeronautics interests.

(b) ACTIVITIES.—In carrying out the 21st Century Aeronautics Capabilities Initiative, the Administrator may carry out the following activities:

(1) Any investments the Administrator considers necessary to upgrade and create facilities for civil and national security aeronautics research to support advancements in—

(A) long-term foundational science and technology;

(B) advanced aircraft systems;

(C) air traffic management systems;

(D) fuel efficiency;

(E) electric propulsion technologies;

(F) system-wide safety assurance;

(G) autonomous aviation; and

(H) supersonic and hypersonic aircraft design and development.

(2) Any measures the Administrator considers necessary to support flight testing activities, including—

(A) continuous refinement and development of free-flight test techniques and methodologies;

(B) upgrades and improvements to real-time tracking and data acquisition; and

(C) such other measures relating to aeronautics research support and modernization as the Administrator considers appropriate to carry out the scientific study of the problems of flight, with a view to practical solutions for such problems.

SEC. 406. SENSE OF CONGRESS ON ON-DEMAND AIR TRANSPORTATION.

It is the sense of Congress that—

(1) greater use of high-speed air transportation, small airports, helipads, vertical flight infrastructure, and other aviation-related infrastructure can alleviate surface transportation congestion and support economic growth within cities;

(2) with respect to urban air mobility and related concepts, NASA should continue—

(A) to conduct research focused on concepts, technologies, and design tools; and

(B) to support the evaluation of advanced technologies and operational concepts that can be leveraged by—

(i) industry to develop future vehicles and systems; and

(ii) the Federal Aviation Administration to support vehicle safety and operational certification; and

(3) NASA should leverage ongoing efforts to develop advanced technologies to actively support the research needed for on-demand air transportation.

SEC. 407. SENSE OF CONGRESS ON HYPERSONIC TECHNOLOGY RESEARCH.

It is the sense of Congress that—

(1) hypersonic technology is critical to the development of advanced high-speed aerospace vehicles for both civilian and national security purposes;

(2) for hypersonic vehicles to be realized, research is needed to overcome technical challenges, including in propulsion, advanced materials, and flight performance in a severe environment;

(3) NASA plays a critical role in supporting fundamental hypersonic research focused on system design, analysis and validation, and propulsion technologies;

(4) NASA research efforts in hypersonic technology should complement research supported by the Department of Defense to the maximum extent practicable, since contributions from both agencies working in partnership with universities and industry are necessary to overcome key technical challenges;

(5) previous coordinated research programs between NASA and the Department of Defense enabled important progress on hypersonic technology;

(6) the commercial sector could provide flight platforms and other capabilities that are able to host and support NASA hypersonic technology research projects; and

(7) in carrying out hypersonic technology research projects, the Administrator should—

(A) focus research and development efforts on high-speed propulsion systems, reusable vehicle technologies, high-temperature materials, and systems analysis;

(B) coordinate with the Department of Defense to prevent duplication of efforts and of investments;

(C) include partnerships with universities and industry to accomplish research goals; and

(D) maximize public-private use of commercially available platforms for hosting research and development flight projects.

TITLE V—SPACE TECHNOLOGY

SEC. 501. SPACE TECHNOLOGY MISSION DIRECTORATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an independent Space Technology Mission Directorate is critical to ensuring continued investments in the development of technologies for missions across the portfolio of NASA, including science, aeronautics, and human exploration.

(b) SPACE TECHNOLOGY MISSION DIRECTORATE.—The Administrator shall maintain a Space Technology Mission Directorate consistent with section 702 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (51 U.S.C. 20301 note).

SEC. 502. FLIGHT OPPORTUNITIES PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as required by section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)), as amended by subsection (b).

(b) ESTABLISHMENT.—Section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)) is amended to read as follows:

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a Commercial Reusable Suborbital Research Program within the Space Technology Mission Directorate to fund—

''(A) the development of payloads for scientific research, technology development, and education;

''(B) flight opportunities for those payloads to microgravity environments and suborbital altitudes; and

''(C) transition of those payloads to orbital opportunities.

''(2) COMMERCIAL REUSABLE VEHICLE FLIGHTS.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may fund engineering and integration demonstrations, proofs of concept, and educational experiments for flights of commercial reusable vehicles.

''(3) COMMERCIAL SUBORBITAL LAUNCH VEHICLES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may not fund the development of new commercial suborbital launch vehicles.

''(4) WORKING WITH MISSION DIRECTORATES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator shall work with the mission directorates of NASA to achieve the research, technology, and education goals of NASA.''.

(c) CONFORMING AMENDMENT.—Section 907(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(b)) is amended, in the first sentence, by striking ''Commercial Reusable Suborbital Research Program in'' and inserting ''Commercial Reusable Suborbital Research Program established under subsection (c)(1) within''.

SEC. 503. SMALL SPACECRAFT TECHNOLOGY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Small Spacecraft Technology Program is important for conducting science and technology validation for—

(1) short- and long-duration missions in low-Earth orbit;

(2) deep space missions; and

(3) deorbiting capabilities designed specifically for smaller spacecraft.

(b) ACCOMMODATION OF CERTAIN PAYLOADS.—In carrying out the Small Spacecraft Technology Program, the Administrator shall, as the mission risk posture and technology development objectives allow, accommodate science payloads that further the goal of long-term human exploration to the Moon and Mars.

SEC. 504. NUCLEAR PROPULSION TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that nuclear propulsion is critical to the development of advanced spacecraft for civilian and national defense purposes.

(b) DEVELOPMENT; STUDIES.—The Administrator shall, in coordination with the Secretary of Energy and the Secretary of Defense—

(1) continue to develop the fuel element design for NASA nuclear propulsion technology;

(2) undertake the systems feasibility studies for such technology; and

(3) partner with members of commercial industry to conduct studies on such technology.

(c) NUCLEAR PROPULSION TECHNOLOGY DEMONSTRATION.—

(1) DETERMINATION; REPORT.—Not later than December 31, 2021, the Administrator shall—

(A) determine the correct approach for conducting a flight demonstration of nuclear propulsion technology; and

(B) submit to Congress a report on a plan for such a demonstration.

(2) DEMONSTRATION.—Not later than December 31, 2026, the Administrator shall conduct the flight demonstration described in paragraph (1).

SEC. 505. MARS-FORWARD TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should pursue multiple technical paths for entry, descent, and landing for Mars, including competitively selected technology demonstration missions.

(b) PRIORITIZATION OF LONG-LEAD TECHNOLOGIES AND SYSTEMS.—The Administrator shall prioritize, within the Space Technology Mission Directorate, research, testing, and development of long-lead technologies and systems for Mars, including technologies and systems relating to—

(1) entry, descent, and landing; and

(2) in-space propulsion, including nuclear propulsion, cryogenic fluid management, in-situ large-scale additive manufacturing, and electric propulsion (including solar electric propulsion leveraging lessons learned from the power and propulsion element of the lunar outpost) options.

(c) TECHNOLOGY DEMONSTRATION.—The Administrator may use low-Earth orbit and cislunar missions, including missions to the lunar surface, to demonstrate technologies for Mars.

SEC. 506. PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) space technology, including nuclear propulsion technology and space surface power reactors, should be developed in a manner consistent with broader United States foreign policy, national defense, and space exploration and commercialization priorities;

(2) highly enriched uranium presents security and nuclear nonproliferation concerns;

(3) since 1977, based on the concerns associated with highly enriched uranium, the United States has promoted the use of low-enriched uranium over highly enriched uranium in nonmilitary contexts, including research and commercial applications;

(4) as part of United States efforts to limit international use of highly enriched uranium, the United States has actively pursued—

(A) since 1978, the conversion of domestic and foreign research reactors that use highly enriched uranium fuel to low-enriched uranium fuel and the avoidance of any new research reactors that use highly enriched uranium fuel; and

(B) since 1994, the elimination of international commerce in highly enriched uranium for civilian purposes; and

(5) the use of low-enriched uranium in place of highly enriched uranium has security, nonproliferation, and economic benefits, including for the national space program.

(b) PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.—The Administrator shall—

(1) establish, within the Space Technology Mission Directorate, a program for the research, testing, and development of in-space reactor designs, including a surface power reactor, that uses low-enriched uranium fuel; and

(2) prioritize the research, demonstration, and deployment of such designs over designs using highly enriched uranium fuel.

(c) REPORT ON NUCLEAR TECHNOLOGY PRIORITIZATION.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) details the actions taken to implement subsection (b); and

(2) identifies a plan and timeline under which such subsection will be implemented.

(d) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium having an assay of 20 percent or greater of the uranium-235 isotope.

(2) LOW-ENRICHED URANIUM.—The term ''low-enriched uranium'' means uranium having an assay greater than the assay for natural uranium but less than 20 percent of the uranium-235 isotope.

SEC. 507. SENSE OF CONGRESS ON NEXT-GENERATION COMMUNICATIONS TECHNOLOGY.

It is the sense of Congress that—

(1) optical communications technologies—

(A) will be critical to the development of next-generation space-based communications networks;

(B) have the potential to allow NASA to expand the volume of data transmissions in low-Earth orbit and deep space; and

(C) may provide more secure and cost-effective solutions than current radio frequency communications systems;

(2) quantum encryption technology has promising implications for the security of the satellite and terrestrial communications networks of the United States, including optical communications networks, and further research and development by NASA with respect to quantum encryption is essential to maintaining the security of the United States and United States leadership in space; and

(3) in order to provide NASA with more secure and reliable space-based communications, the Space Communications and Navigation program office of NASA should continue—

(A) to support research on and development of optical communications; and

(B) to develop quantum encryption capabilities, especially as those capabilities apply to optical communications networks.

SEC. 508. LUNAR SURFACE TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should—

(1) identify and develop the technologies needed to live on and explore the lunar surface and prepare for future operations on Mars;

(2) convene teams of experts from academia, industry, and government to shape the technology development priorities of the Administration for lunar surface exploration and habitation; and

(3) establish partnerships with researchers, universities, and the private sector to rapidly develop and deploy technologies required for successful lunar surface exploration.

(b) DEVELOPMENT AND DEMONSTRATION.—The Administrator shall carry out a program, within the Space Technology Mission Directorate, to conduct technology development and demonstrations to enable human and robotic exploration on the lunar surface.

(c) RESEARCH CONSORTIUM.—The Administrator shall establish a consortium consisting of experts from academia, industry, and government—

(1) to assist the Administrator in developing a cohesive, executable strategy for the development and deployment of technologies required for successful lunar surface exploration; and

(2) to identify specific technologies relating to lunar surface exploration that—

(A) should be developed to facilitate such exploration; or

(B) require future research and development.

(d) RESEARCH AWARDS.—

(1) IN GENERAL.—The Administrator may task any member of the research consortium established under subsection (c) with conducting research and development with respect to a technology identified under paragraph (2) of that subsection.

(2) STANDARD PROCESS FOR ARRANGEMENTS.—

(A) IN GENERAL.—The Administrator shall develop a standard process by which a consortium member tasked with research and development under paragraph (1) may enter into a formal arrangement with the Administrator to carry out such research and development, such as an arrangement under section 702 or 703.

(B) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the one or more types of arrangement the Administrator intends to enter into under this subsection.

TITLE VI—STEM ENGAGEMENT

SEC. 601. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) NASA serves as a source of inspiration to the people of the United States; and

(2) NASA is uniquely positioned to help increase student interest in science, technology, engineering, and math;

(3) engaging students, and providing hands-on experience at an early age, in science, technology, engineering, and math are important aspects of ensuring and promoting United States leadership in innovation; and

(4) NASA should strive to leverage its unique position—

(A) to increase kindergarten through grade 12 involvement in NASA projects;

(B) to enhance higher education in STEM fields in the United States;

(C) to support individuals who are underrepresented in science, technology, engineering, and math fields, such as women, minorities, and individuals in rural areas; and

(D) to provide flight opportunities for student experiments and investigations.

SEC. 602. STEM EDUCATION ENGAGEMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator shall continue to provide opportunities for formal and informal STEM education engagement activities within the Office of NASA STEM Engagement and other NASA directorates, including—

(1) the Established Program to Stimulate Competitive Research;

(2) the Minority University Research and Education Project; and

(3) the National Space Grant College and Fellowship Program.

(b) LEVERAGING NASA NATIONAL PROGRAMS TO PROMOTE STEM EDUCATION.—The Administrator, in partnership with museums, nonprofit organizations, and commercial entities, shall, to the maximum extent practicable, leverage human spaceflight missions, Deep Space Exploration Systems (including the Space Launch System, Orion, and Exploration Ground Systems), and NASA science programs to engage students at the kindergarten through grade 12 and higher education levels to pursue learning and career opportunities in STEM fields.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on—

(1) the status of the programs described in subsection (a); and

(2) the manner by which each NASA STEM education engagement activity is organized and funded.

(d) STEM EDUCATION DEFINED.—In this section, the term ''STEM education'' has the meaning given the term in section 2 of the STEM Education Act of 2015 (Public Law 114–59; 42 U.S.C. 6621 note).

SEC. 603. SKILLED TECHNICAL EDUCATION OUTREACH PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to conduct outreach to secondary school students—

(1) to expose students to careers that require career and technical education; and

(2) to encourage students to pursue careers that require career and technical education.

(b) OUTREACH PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the outreach program under subsection (a) that includes—

(1) an implementation plan;

(2) a description of the resources needed to carry out the program; and

(3) any recommendations on expanding outreach to secondary school students interested in skilled technical occupations.

(c) SYSTEMS OBSERVATION.—

(1) IN GENERAL.—The Administrator shall develop a program and associated policies to allow students from accredited educational institutions to view the manufacturing, assembly, and testing of NASA-funded space and aeronautical systems, as the Administrator considers appropriate.

(2) CONSIDERATIONS.—In developing the program and policies under paragraph (1), the Administrator shall take into consideration factors such as workplace safety, mission needs, and the protection of sensitive and proprietary technologies.

SEC. 604. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.

(a) PURPOSES.—Section 40301 of title 51, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(D) promote equally the State and regional STEM interests of each space grant consortium;''; and

(2) in paragraph (4), by striking ''made up of university and industry members, in order to advance'' and inserting ''comprised of members of universities in each State and other entities, such as 2-year colleges, industries, science learning centers, museums, and government entities, to advance''.

(b) DEFINITIONS.—Section 40302 of title 51, United States Code, is amended—

(1) by striking paragraph (3);

(2) by inserting after paragraph (2) the following:

''(3) LEAD INSTITUTION.—The term 'lead institution' means an entity in a State that—

''(A) was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020; or

''(B) is designated by the Administrator under section 40303(d)(3).'';

(3) in paragraph (4), by striking ''space grant college, space grant regional consortium, institution of higher education,'' and inserting ''lead institution, space grant consortium,'';

(4) by striking paragraphs (6), (7), and (8);

(5) by inserting after paragraph (5) the following:

''(6) SPACE GRANT CONSORTIUM.—The term 'space grant consortium' means a State-wide group, led by a lead institution, that has established partnerships with other academic institutions, industries, science learning centers, museums, and government entities to promote a strong educational base in the space and aeronautical sciences.'';

(6) by redesignating paragraph (9) as paragraph (7);

(7) in paragraph (7)(B), as so redesignated, by inserting ''and aeronautics'' after ''space'';

(8) by striking paragraph (10); and

(9) by adding at the end the following:

''(8) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) PROGRAM OBJECTIVE.—Section 40303 of title 51, United States Code, is amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (e); and

(3) by striking subsection (b) and inserting the following:

''(b) PROGRAM OBJECTIVE.—

''(1) IN GENERAL.—The Administrator shall carry out the national space grant college and fellowship program with the objective of providing hands-on research, training, and education programs with measurable outcomes in each State, including programs to provide—

''(A) internships, fellowships, and scholarships;

''(B) interdisciplinary hands-on mission programs and design projects;

''(C) student internships with industry or university researchers or at centers of the Administration;

''(D) faculty and curriculum development initiatives;

''(E) university-based research initiatives relating to the Administration and the STEM workforce needs of each State; or

''(F) STEM engagement programs for kindergarten through grade 12 teachers and students.

''(2) PROGRAM PRIORITIES.—In carrying out the objective described in paragraph (1), the Administrator shall ensure that each program carried out by a space grant consortium under the national space grant college and fellowship program balances the following priorities:

''(A) The space and aeronautics research needs of the Administration, including the mission directorates.

''(B) The need to develop a national STEM workforce.

''(C) The STEM workforce needs of the State.

''(c) PROGRAM ADMINISTERED THROUGH SPACE GRANT CONSORTIA.—The Administrator shall carry out the national space grant college and fellowship program through the space grant consortia.

''(d) SUSPENSION; TERMINATION; NEW COMPETITION.—

''(1) SUSPENSION.—The Administrator may, for cause and after an opportunity for hearing, suspend a lead institution that was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020.

''(2) TERMINATION.—If the issue resulting in a suspension under paragraph (1) is not resolved within a period determined by the Administrator, the Administrator may terminate the designation of the entity as a lead institution.

''(3) NEW COMPETITION.—If the Administrator terminates the designation of an entity as a lead institution, the Administrator may initiate a new competition in the applicable State for the designation of a lead institution.''.

(d) GRANTS.—Section 40304 of title 51, United States Code, is amended to read as follows:

''§ 40304. Grants

''(a) ELIGIBLE SPACE GRANT CONSORTIUM DEFINED.—In this section, the term 'eligible space grant consortium' means a space grant consortium that the Administrator has determined—

''(1) has the capability and objective to carry out not fewer than 3 of the 6 programs under section 40303(b)(1);

''(2) will carry out programs that balance the priorities described in section 40303(b)(2); and

''(3) is engaged in research, training, and education relating to space and aeronautics.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall award grants to the lead institutions of eligible space grant consortia to carry out the programs under section 40303(b)(1).

''(2) REQUEST FOR PROPOSALS.—

''(A) IN GENERAL.—On the expiration of existing cooperative agreements between the Administration and the space grant consortia, the Administrator shall issue a request for proposals from space grant consortia for the award of grants under this section.

''(B) APPLICATIONS.—A lead institution of a space grant consortium that seeks a grant under this section shall submit, on behalf of such space grant consortium, an application to the Administrator at such time, in such

manner, and accompanied by such information as the Administrator may require.

''(3) GRANT AWARDS.—The Administrator shall award 1 or more 5-year grants, disbursed in annual installments, to the lead institution of the eligible space grant consortium of—

''(A) each State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.

''(4) USE OF FUNDS.—A grant awarded under this section shall be used by an eligible space grant consortium to carry out not fewer than 3 of the 6 programs under section 40303(b)(1).

''(c) ALLOCATION OF FUNDING.—

''(1) PROGRAM IMPLEMENTATION.—

''(A) IN GENERAL.—To carry out the objective described in section 40303(b)(1), of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not less than 85 percent as follows:

''(i) The 52 eligible space grant consortia shall each receive an equal share.

''(ii) The territories of Guam and the United States Virgin Islands shall each receive funds equal to approximately ⅕ of the share for each eligible space grant consortia.

''(B) MATCHING REQUIREMENT.—Each eligible space grant consortium shall match the funds allocated under subparagraph (A)(i) on a basis of not less than 1 non-Federal dollar for every 1 Federal dollar, except that any program funded under paragraph (3) or any program to carry out 1 or more internships or fellowships shall not be subject to that matching requirement.

''(2) PROGRAM ADMINISTRATION.—

''(A) IN GENERAL.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 10 percent for the administration of the program.

''(B) COSTS COVERED.—The funds allocated under subparagraph (A) shall cover all costs of the Administration associated with the administration of the national space grant college and fellowship program, including—

''(i) direct costs of the program, including costs relating to support services and civil service salaries and benefits;

''(ii) indirect general and administrative costs of centers and facilities of the Administration; and

''(iii) indirect general and administrative costs of the Administration headquarters.

''(3) SPECIAL PROGRAMS.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 5 percent to the lead institutions of space grant consortia established as of the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020 for grants to carry out innovative approaches and programs to further science and education relating to the missions of the Administration and STEM disciplines.

''(d) TERMS AND CONDITIONS.—

''(1) LIMITATIONS.—Amounts made available through a grant under this section may not be applied to—

''(A) the purchase of land;

''(B) the purchase, construction, preservation, or repair of a building; or

''(C) the purchase or construction of a launch facility or launch vehicle.

''(2) LEASES.—Notwithstanding paragraph (1), land, buildings, launch facilities, and launch vehicles may be leased under a grant on written approval by the Administrator.

''(3) RECORDS.—

''(A) IN GENERAL.—Any person that receives or uses the proceeds of a grant under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records that fully disclose the amount and disposition by a recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost that was provided through other sources.

''(B) MAINTENANCE OF RECORDS.—Records under subparagraph (A) shall be maintained for not less than 3 years after the date of completion of such a program or project.

''(C) ACCESS.—For the purpose of audit and evaluation, the Administrator and the Comptroller General of the United States shall have access to any books, documents, papers, and records of receipts relating to a grant under this section, as determined by the Administrator or Comptroller General.''.

(e) PROGRAM STREAMLINING.—Title 51, United States Code, is amended—

(1) by striking sections 40305 through 40308, 40310, and 40311; and

(2) by redesignating section 40309 as section 40305.

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 403 of title 51, United States Code, is amended by striking the items relating to sections 40304 through 40311 and inserting the following:

''40304. Grants.

''40305. Availability of other Federal personnel and data.''.

TITLE VII—WORKFORCE AND INDUSTRIAL BASE

SEC. 701. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term ''covered provisions'' means the provisions of title 5, United States Code, other than—

(1) section 2301 of that title;

(2) section 2302 of that title;

(3) chapter 71 of that title;

(4) section 7204 of that title; and

(5) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

SEC. 702. ESTABLISHMENT OF MULTI-INSTITUTION CONSORTIA.

(a) IN GENERAL.—The Administrator, pursuant to section 2304(c)(3)(B) of title 10, United States Code, may—

(1) establish one or more multi-institution consortia to facilitate access to essential engineering, research, and development capabilities in support of NASA missions;

(2) use such a consortium to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers; and

(3) ensure such a consortium—

(A) is held accountable for the technical quality of the work product developed under this section; and

(B) convenes disparate groups to facilitate public-private partnerships.

(b) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a consortium under subsection (a)—

(1) the selection of participants;

(2) the award of cooperative agreements or other contracts;

(3) the appropriate use of competitive awards and sole source awards; and

(4) technical capabilities required.

(c) ELIGIBILITY.—The following entities shall be eligible to participate in a consortium established under subsection (a):

(1) An institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

(2) An operator of a federally funded research and development center.

(3) A nonprofit or not-for-profit research institution.

(4) A consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 703. EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE.

(a) IN GENERAL.—The Administrator may—

(1) establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to eligible entities in support of NASA missions; and

(2) use such a multi-institution task order contract, consortium, cooperative agreement, or other arrangement to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers.

(b) CONSULTATION WITH OTHER NASA-AFFILIATED ENTITIES.—To ensure access to technical expertise and reduce costs and duplicative efforts, a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement established under subsection (a)(1) shall, to the maximum extent practicable, be carried out in consultation with other NASA-affiliated entities, including federally funded research and development centers, university-affiliated research centers, and NASA laboratories and test centers.

(c) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement under subsection (a)(1)—

(1) the selection of participants;

(2) the award of task orders;

(3) the maximum award size for a task;

(4) the appropriate use of competitive awards and sole source awards; and

(5) technical capabilities required.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means—

(1) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) an operator of a federally funded research and development center;

(3) a nonprofit or not-for-profit research institution; and

(4) a consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 704. REPORT ON INDUSTRIAL BASE FOR CIVIL SPACE MISSIONS AND OPERATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the United States industrial base for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the current status of the United States industrial base for NASA civil space missions and operations.

(2) A description and assessment of the weaknesses in the supply chain, skills, manufacturing capacity, raw materials, key components, and other areas of the United States industrial base for NASA civil space missions and operations that could adversely impact such missions and operations if unavailable.

(3) A description and assessment of various mechanisms to address and mitigate the weaknesses described pursuant to paragraph (2).

(4) A comprehensive list of the collaborative efforts, including future and proposed collaborative efforts, between NASA and the Manufacturing USA institutes of the Department of Commerce.

(5) An assessment of—

(A) the defense and aerospace manufacturing supply chains relevant to NASA in each region of the United States; and

(B) the feasibility and benefits of establishing a supply chain center of excellence in a State in which NASA does not, as of the date of the enactment of this Act, have a research center or test facility.

(6) Such other matters relating to the United States industrial base for NASA civil space missions and operations as the Administrator considers appropriate.

SEC. 705. SEPARATIONS AND RETIREMENT INCENTIVES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

''(1) DEFINITION.—In this subsection, the term 'employee'—

''(A) means an employee of the Administration serving under an appointment without time limitation; and

''(B) does not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i); or

''(iii) for purposes of eligibility for separation incentives under this subsection, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(2) AUTHORITY.—The Administrator may establish a program under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(3) EARLY RETIREMENT.—An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this subsection, apply and be retired from the Administration and receive benefits in accordance with subchapter III of chapter 83 or 84 of title 5 if the employee has been employed continuously within the Administration for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Administration centers is approved.

''(4) SEPARATION PAY.—

''(A) IN GENERAL.—Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section; or

''(ii) $40,000.

''(B) LIMITATIONS.—Separation pay shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, based on any other separation.

''(C) INSTALLMENTS.—Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(5) LIMITATIONS ON REEMPLOYMENT.—

''(A) An employee who receives separation pay under such program may not be reemployed by the Administration for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Administrator on a case-by-case basis.

''(B) An employee who receives separation pay under this section on the basis of a separation and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Administration. If the employment is with an Executive agency (as defined by section 105 of title 5) other than the Administration, the Administrator may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Administration, the Administrator may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(6) REGULATIONS.—Under the program established under paragraph (2), early retirement and separation pay may be offered only pursuant to regulations established by the Administrator, subject to such limitations or conditions as the Administrator may require.

''(7) USE OF EXISTING FUNDS.—The Administrator shall carry out this subsection using amounts otherwise made available to the Administrator and no additional funds are authorized to be appropriated to carry out this subsection.''.

SEC. 706. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''§ 31303. Confidentiality of medical quality assurance records

''(a) IN GENERAL.—Except as provided in subsection (b)(1)—

''(1) a medical quality assurance record, or any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record for the Administration, or participates in any proceeding that reviews or creates a medical quality assurance record, may not testify in a judicial or administrative proceeding with respect to—

''(A) the medical quality assurance record; or

''(B) any finding, recommendation, evaluation, opinion, or action taken by such individual or in accordance with such proceeding with respect to the medical quality assurance record.

''(b) DISCLOSURE OF RECORDS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a medical quality assurance record may be disclosed to—

''(A) a Federal agency or private entity, if the medical quality assurance record is necessary for the Federal agency or private entity to carry out—

''(i) licensing or accreditation functions relating to Administration healthcare facilities; or

''(ii) monitoring of Administration healthcare facilities required by law;

''(B) a Federal agency or healthcare provider, if the medical quality assurance record is required by the Federal agency or healthcare provider to enable Administration participation in a healthcare program of the Federal agency or healthcare provider;

''(C) a criminal or civil law enforcement agency, or an instrumentality authorized by law to protect the public health or safety, on written request by a qualified representative of such agency or instrumentality submitted to the Administrator that includes a description of the lawful purpose for which the medical quality assurance record is requested;

''(D) an officer, an employee, or a contractor of the Administration who requires the medical quality assurance record to carry out an official duty associated with healthcare;

''(E) healthcare personnel, to the extent necessary to address a medical emergency affecting the health or safety of an individual; and

''(F) any committee, panel, or board convened by the Administration to review the healthcare-related policies and practices of the Administration.

''(2) SUBSEQUENT DISCLOSURE PROHIBITED.—An individual or entity to whom a medical quality assurance record has been disclosed under paragraph (1) may not make a subsequent disclosure of the medical quality assurance record.

''(c) PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the personally identifiable information contained in a medical quality assurance record of a patient or an employee of the Administration, or any other individual associated with the Administration for purposes of a medical quality assurance program, shall be removed before the disclosure of the medical quality assurance record to an entity other than the Administration.

''(2) EXCEPTION.— Personally identifiable information described in paragraph (1) may be released to an entity other than the Administration if the Administrator makes a determination that the release of such personally identifiable information—

''(A) is in the best interests of the Administration; and

''(B) does not constitute an unwarranted invasion of personal privacy.

''(d) EXCLUSION FROM FOIA.—A medical quality assurance record may not be made available to any person under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and this section shall be considered a statute described in subsection (b)(3)(B) of such section 522.

''(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to implement this section.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to withhold a medical quality assurance record from a committee of the Senate or House of Representatives or a joint committee of Congress if the medical quality assurance record relates to a matter within the jurisdiction of such committee or joint committee; or

''(2) to limit the use of a medical quality assurance record within the Administration, including the use by a contractor or consultant of the Administration.

''(g) DEFINITIONS.—In this section:

''(1) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means any proceeding, discussion, record, finding, recommendation, evaluation, opinion, minutes, report, or other document or action that results from a quality assurance committee, quality assurance program, or quality assurance program activity.

''(2) QUALITY ASSURANCE PROGRAM.—

''(A) IN GENERAL.—The term 'quality assurance program' means a comprehensive program of the Administration—

''(i) to systematically review and improve the quality of medical and behavioral health services provided by the Administration to ensure the safety and security of individuals receiving such health services; and

''(ii) to evaluate and improve the efficiency, effectiveness, and use of staff and resources in the delivery of such health services.

''(B) INCLUSION.—The term 'quality assurance program' includes any activity carried out by or for the Administration to assess the quality of medical care provided by the Administration.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''31303. Confidentiality of medical quality assurance records.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CONTRACTING AUTHORITY.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) CONTRACTING AUTHORITY.—The Administration—

''(1) may enter into an agreement with a private, commercial, or State government entity to provide the entity with supplies, support, and services related to private, commercial, or State government space activities carried out at a property owned or operated by the Administration; and

''(2) upon the request of such an entity, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities; and

''(B) the Administration has full reimbursable funding from the entity that requested supplies, support, and services prior to making any obligation for the delivery of such supplies, support, or services under an Administration procurement contract or any other agreement.''.

SEC. 802. AUTHORITY FOR TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

Section 20113 of title 51, United States Code, as amended by section 801, is further amended by adding at the end the following:

''(p) TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—The Administration may enter into a transaction (other than a contract, cooperative agreement, or grant) to carry out a prototype project that is directly relevant to enhancing the mission effectiveness of the Administration.

''(2) SUBSEQUENT AWARD OF FOLLOW-ON PRODUCTION CONTRACT.—A transaction entered into under this subsection for a prototype project may provide for the subsequent award of a follow-on production contract to participants in the transaction.

''(3) INCLUSION.—A transaction under this subsection includes a project awarded to an individual participant and to all individual projects awarded to a consortium of United States industry and academic institutions.

''(4) DETERMINATION.—The authority of this section may be exercised for a transaction for a prototype project and any follow-on production contract, upon a determination by the head of the contracting activity, in accordance with Administration policies, that—

''(A) circumstances justify use of a transaction to provide an innovative business arrangement that would not be feasible or appropriate under a contract; and

''(B) the use of the authority of this section is essential to promoting the success of the prototype project.

''(5) COMPETITIVE PROCEDURE.—

''(A) IN GENERAL.—To the maximum extent practicable, the Administrator shall use competitive procedures with respect to entering into a transaction to carry out a prototype project.

''(B) EXCEPTION.—Notwithstanding section 2304 of title 10, United States Code, a follow-on production contract may be awarded to the participants in the prototype transaction without the use of competitive procedures, if—

''(i) competitive procedures were used for the selection of parties for participation in the prototype transaction; and

''(ii) the participants in the transaction successfully completed the prototype project provided for in the transaction.

''(6) COST SHARE.—A transaction to carry out a prototype project and a follow-on production contract may require that part of the total cost of the transaction or contract be paid by the participant or contractor from a source other than the Federal Government.

''(7) PROCUREMENT ETHICS.—A transaction under this authority shall be considered an agency procurement for purposes of chapter 21 of title 41, United States Code, with regard to procurement ethics.''.

SEC. 803. PROTECTION OF DATA AND INFORMATION FROM PUBLIC DISCLOSURE.

(a) CERTAIN TECHNICAL DATA.—Section 20131 of title 51, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (a)(3), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(3) by inserting after subsection (b) the following:

''(c) SPECIAL HANDLING OF CERTAIN TECHNICAL DATA.—

''(1) IN GENERAL.—The Administrator may provide appropriate protections against the public dissemination of certain technical data, including exemption from subchapter II of chapter 5 of title 5.

''(2) DEFINITIONS.—In this subsection:

''(A) CERTAIN TECHNICAL DATA.—The term 'certain technical data' means technical data that may not be exported lawfully outside the United States without approval, authorization, or license under—

''(i) the Export Control Reform Act of 2018 (Public Law 115–232; 132 Stat. 2208); or

''(ii) the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 729).

''(B) TECHNICAL DATA.—The term 'technical data' means any blueprint, drawing, photograph, plan, instruction, computer software, or documentation, or any other technical information.'';

(4) in subsection (d), as so redesignated, by inserting '', including any data,'' after ''information''; and

(5) by adding at the end the following:

''(e) EXCLUSION FROM FOIA.—This section shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').''.

(b) CERTAIN VOLUNTARILY PROVIDED SAFETY-RELATED INFORMATION.—

(1) IN GENERAL.—The Administrator shall provide appropriate safeguards against the public dissemination of safety-related information collected as part of a mishap investigation carried out under the NASA safety reporting system or in conjunction with an organizational safety assessment, if the Administrator makes a written determination, including a justification of the determination, that—

(A)(i) disclosure of the information would inhibit individuals from voluntarily providing safety-related information; and

(ii) the ability of NASA to collect such information improves the safety of NASA programs and research relating to aeronautics and space; or

(B) withholding such information from public disclosure improves the safety of such NASA programs and research.

(2) OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, if the Administrator provides to the head of another Federal agency safety-related information with respect to which the Administrator has made a determination under paragraph (1), the head of the Federal agency shall withhold the information from public disclosure.

(3) PUBLIC AVAILABILITY.—A determination or part of a determination under paragraph (1) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(4) EXCLUSION FROM FOIA.—This subsection shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5, United States Code.

SEC. 804. PHYSICAL SECURITY MODERNIZATION.

Chapter 201 of title 51, United States Code, is amended—

(1) in section 20133(2), by striking ''property'' and all that follows through ''to the United States,'' and inserting ''Administration personnel or of property owned or leased by, or under the control of, the United States''; and

(2) in section 20134, in the second sentence—

(A) by inserting ''Administration personnel or any'' after ''protecting''; and

(B) by striking '', at facilities owned or contracted to the Administration''.

SEC. 805. LEASE OF NON-EXCESS PROPERTY.

Section 20145 of title 51, United States Code, is amended—

(1) in paragraph (b)(1)(B), by striking ''entered into for the purpose of developing renewable energy production facilities''; and

(2) in subsection (g), in the first sentence, by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

SEC. 806. CYBERSECURITY.

(a) IN GENERAL.—Section 20301 of title 51, United States Code, is amended by adding at the end the following:

''(c) CYBERSECURITY.—The Administrator shall update and improve the cybersecurity of NASA space assets and supporting infrastructure.''.

(b) SECURITY OPERATIONS CENTER.—

(1) ESTABLISHMENT.—The Administrator shall maintain a Security Operations Center, to identify and respond to cybersecurity threats to NASA information technology systems, including institutional systems and mission systems.

(2) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, each of the recommendations contained in the report of the Inspector General of NASA entitled ''Audit of NASA's Security Operations Center'', issued on May 23, 2018.

(c) CYBER THREAT HUNT.—

(1) IN GENERAL.—The Administrator, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, may implement a cyber threat hunt capability to proactively search NASA information systems for advanced cyber threats that otherwise evade existing security tools.

(2) THREAT-HUNTING PROCESS.—In carrying out paragraph (1), the Administrator shall develop and document a threat-hunting process, including the roles and responsibilities of individuals conducting a cyber threat hunt.

(d) GAO PRIORITY RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, the recommendations for NASA contained in the report of the Comptroller General of the United States entitled ''Information Security: Agencies Need to Improve Controls over Selected High-Impact Systems'', issued May 18, 2016, including—

(1) re-evaluating security control assessments; and

(2) specifying metrics for the continuous monitoring strategy of the Administration.

SEC. 807. LIMITATION ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided by subsection (b), the Administrator, the Director of the OSTP, and the Chair of the National Space Council, shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any manner with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People's Republic of China; and

(2) host official visitors from the People's Republic of China at a facility belonging to or used by NASA.

(b) WAIVER.—

(1) IN GENERAL.—The Administrator, the Director, or the Chair may waive the limitation under subsection (a) with respect to an activity described in that subsection only if the Administrator, the Director, or the Chair, as applicable, makes a determination that the activity—

(A) does not pose a risk of a transfer of technology, data, or other information with national security or economic security implications to an entity described in paragraph (1) of such subsection; and

(B) does not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(2) CERTIFICATION TO CONGRESS.—Not later than 30 days after the date on which a waiver is granted under paragraph (1), the Administrator, the Director, or the Chair, as applicable, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives a written certification that the activity complies with the requirements in subparagraphs (A) and (B) of that paragraph.

(c) GAO REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of NASA contracts that may subject the Administration to unacceptable transfers of intellectual property or technology to any entity—

(A) owned or controlled (in whole or in part) by, or otherwise affiliated with, the Government of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(2) ELEMENTS.—The review required under paragraph (1) shall assess—

(A) whether the Administrator is aware—

(i) of any NASA contractor that benefits from significant financial assistance from—

(I) the Government of the People's Republic of China;

(II) any entity controlled by the Government of the People's Republic of China; or

(III) any other governmental entity of the People's Republic of China; and

(ii) that the Government of the People's Republic of China, or an entity controlled by the Government of the People's Republic of China, may be—

(I) leveraging United States companies that share ownership with NASA contractors; or

(II) obtaining intellectual property or technology illicitly or by other unacceptable means; and

(B) the steps the Administrator is taking to ensure that—

(i) NASA contractors are not being leveraged (directly or indirectly) by the Government of the People's Republic of China or by an entity controlled by the Government of the People's Republic of China;

(ii) the intellectual property and technology of NASA contractors are adequately protected; and

(iii) NASA flight-critical components are not sourced from the People's Republic of China through any entity benefiting from Chinese investments, loans, or other assistance.

(3) RECOMMENDATIONS.—The Comptroller General shall provide to the Administrator recommendations for future NASA contracting based on the results of the review.

(4) PLAN.—Not later than 180 days after the date on which the Comptroller General completes the review, the Administrator shall—

(A) develop a plan to implement the recommendations of the Comptroller General; and

(B) submit the plan to the appropriate committees of Congress.

SEC. 808. CONSIDERATION OF ISSUES RELATED TO CONTRACTING WITH ENTITIES RECEIVING ASSISTANCE FROM OR AFFILIATED WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—With respect to a matter in response to a request for proposal or a broad area announcement by the Administrator, or award of any contract, agreement, or other transaction with the Administrator, a commercial or noncommercial entity shall certify that it is not majority owned or controlled (as defined in section 800.208 of title 31, Code of Federal Regulations), or minority owned greater than 25 percent, by—

(1) any governmental organization of the People's Republic of China; or

(2) any other entity that is—

(A) known to be owned or controlled by any governmental organization of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(b) FALSE STATEMENTS.—

(1) IN GENERAL.—A false statement contained in a certification under subsection (a) constitutes a false or fraudulent claim for purposes of chapter 47 of title 18, United States Code.

(2) ACTION UNDER FEDERAL ACQUISITION REGULATION.—Any party convicted for making a false statement with respect to a certification under subsection (a) shall be subject to debarment from contracting with the Administrator for a period of not less than 1 year, as determined by the Administrator, in addition to other appropriate action in accordance with the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code.

(c) ANNUAL REPORT.—The Administrator shall submit to the appropriate committees of Congress an annual report detailing any violation of this section.

SEC. 809. SMALL SATELLITE LAUNCH SERVICES PROGRAM.

(a) IN GENERAL.—The Administrator shall continue to procure dedicated launch services, including from small and venture class launch providers, for small satellites, including CubeSats, for the purpose of conducting science and technology missions that further the goals of NASA.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall engage with the academic community to maximize awareness and use of dedicated small satellite launch opportunities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall prevent the Administrator from continuing to use a secondary payload of procured launch services for CubeSats.

SEC. 810. 21ST CENTURY SPACE LAUNCH INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall carry out a program to modernize multi-user launch infrastructure at NASA facilities—

(1) to enhance safety; and

(2) to advance Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—

(1) infrastructure relating to commodities;

(2) standard interfaces to meet customer needs for multiple payload processing and launch vehicle processing;

(3) enhancements to range capacity and flexibility; and

(4) such other projects as the Administrator considers appropriate to meet the goals described in subsection (a).

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) identify and prioritize investments in projects that can be used by multiple users and launch vehicles, including non-NASA users and launch vehicles; and

(2) limit investments to projects that would not otherwise be funded by a NASA program, such as an institutional or programmatic infrastructure program.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and Orion, from using the launch infrastructure modernized under this section.

SEC. 811. MISSIONS OF NATIONAL NEED.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) while certain space missions, such as asteroid detection or space debris mitigation or removal missions, may not provide the highest-value science, as determined by the National Academies of Science, Engineering, and Medicine decadal surveys, such missions provide tremendous value to the United States and the world; and

(2) the current organizational and funding structure of NASA has not prioritized the funding of missions of national need.

(b) STUDY.—

(1) IN GENERAL.—The Director of the OSTP shall conduct a study on the manner in which NASA funds missions of national need.

(2) MATTERS TO BE INCLUDED.—The study conducted under paragraph (1) shall include the following:

(A) An identification and assessment of the types of missions or technology development programs that constitute missions of national need.

(B) An assessment of the manner in which such missions are currently funded and managed by NASA.

(C) An analysis of the options for funding missions of national need, including—

(i) structural changes required to allow NASA to fund such missions; and

(ii) an assessment of the capacity of other Federal agencies to make funds available for such missions.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director of the OSTP shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (b), including recommendations for funding missions of national need.

SEC. 812. DRINKING WATER WELL REPLACEMENT FOR CHINCOTEAGUE, VIRGINIA.

Notwithstanding any other provision of law, during the 5-year period beginning on the date of the enactment of this Act, the Administrator may enter into 1 or more agreements with the town of Chincoteague, Virginia, to reimburse the town for costs that are directly associated with—

(1) the removal of drinking water wells located on property administered by the Administration; and

(2) the relocation of such wells to property under the administrative control, through lease, ownership, or easement, of the town.

SEC. 813. PASSENGER CARRIER USE.

Section 1344(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the comma at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) necessary for post-flight transportation of United States Government astronauts, and other astronauts subject to reimbursable arrangements, returning from space for the performance of medical research, monitoring, diagnosis, or treatment, or other official duties, prior to receiving post-flight medical clearance to operate a motor vehicle,''.

SEC. 814. USE OF COMMERCIAL NEAR-SPACE BALLOONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of an array of capabilities, including the use of commercially available near-space balloon assets, is in the best interest of the United States.

(b) USE OF COMMERCIAL NEAR-SPACE BALLOONS.—The Administrator shall use commercially available balloon assets operating at near-space altitudes, to the maximum extent practicable, as part of a diverse set of capabilities to effectively and efficiently meet the goals of the Administration.

SEC. 815. PRESIDENT'S SPACE ADVISORY BOARD.

Section 121 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 51 U.S.C. 20111 note) is amended—

(1) in the section heading, by striking ''**USERS' ADVISORY GROUP**'' and inserting ''**PRESIDENT'S SPACE ADVISORY BOARD**''; and

(2) by striking ''Users' Advisory Group'' each place it appears and inserting ''President's Space Advisory Board.''

SEC. 816. INITIATIVE ON TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTIONS.

(a) INITIATIVE REQUIRED.—Section 40112 of title 51, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTION.—

''(1) INITIATIVE REQUIRED.—The Administrator shall establish an initiative to build upon and accelerate previous or ongoing work to develop and demonstrate new technologies, including systems architecture, components, or integration of systems and airframe structures, in electric aircraft propulsion concepts that are capable of substantially reducing both emissions and noise from aircraft.

''(2) APPROACH.—In carrying out the initiative, the Administrator shall do the following:

''(A) Continue and expand work of the Administration on research, development, and demonstration of electric aircraft concepts, and the integration of such concepts.

''(B) To the extent practicable, work with multiple partners, including small businesses and new entrants, on research and development activities related to transport category aircraft.

''(C) Provide guidance to the Federal Aviation Administration on technologies developed and tested pursuant to the initiative.''.

(b) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter as a part of the Administration's budget submission, the Administrator shall submit a report to the appropriate committee of Congress on the progress of the work under the initiative required by subsection (b) of section 40112 of title 51, United States Code (as amended by subsection (a) of this section), including an updated, anticipated timeframe for aircraft entering into service that produce 50 percent less noise and emissions than the highest performing aircraft in service as of December 31, 2019.

SEC. 817. REMEDIATION OF SITES CONTAMINATED WITH TRICHLOROETHYLENE.

(a) IDENTIFICATION OF SITES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall identify sites of the Administration contaminated with trichloroethylene.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) the recommendations of the Administrator for remediating the sites identified under subsection (a) during the 5-year period beginning on the date of the report; and

(2) an estimate of the financial resources necessary to implement those recommendations.

SEC. 818. REPORT ON MERITS AND OPTIONS FOR ESTABLISHING AN INSTITUTE RELATING TO SPACE RESOURCES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the merits of, and options for, establishing an institute relating to space resources to advance the objectives of NASA in maintaining United States preeminence in space described in paragraph (3).

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include an assessment by the Administrator as to whether—

(A) a virtual or physical institute relating to space resources is most cost effective and appropriate; and

(B) partnering with institutions of higher education and the aerospace industry, and the extractive industry as appropriate, would be effective in increasing information available to such an institute with respect to advancing the objectives described in paragraph (3).

(3) OBJECTIVES.—The objectives described in this paragraph are the following:

(A) Identifying, developing, and distributing space resources, including by encouraging the development of foundational science and technology.

(B) Reducing the technological risks associated with identifying, developing, and distributing space resources.

(C) Developing options for using space resources—

(i) to support current and future space architectures, programs, and missions; and

(ii) to enable architectures, programs, and missions that would not otherwise be possible.

(4) DEFINITIONS.—In this section:

(A) EXTRACTIVE INDUSTRY.—The term ''extractive industry'' means a company or individual involved in the process of extracting (including mining, quarrying, drilling, and dredging) space resources.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(C) SPACE RESOURCE.—

(i) IN GENERAL.—The term ''space resource'' means an abiotic resource in situ in outer space.

(ii) INCLUSIONS.—The term ''space resource'' includes a raw material, a natural material, and an energy source.

SEC. 819. REPORT ON ESTABLISHING CENTER OF EXCELLENCE FOR SPACE WEATHER TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the potential benefits of establishing

a NASA center of excellence for space weather technology.

(b) GEOGRAPHIC CONSIDERATIONS.—In the report required by subsection (a), the Administrator shall consider the benefits of establishing the center of excellence described in that subsection in a geographic area—

(1) in close proximity to—

(A) significant government-funded space weather research activities; and

(B) institutions of higher education; and

(2) where NASA may have been previously underrepresented.

SEC. 820. REVIEW ON PREFERENCE FOR DOMESTIC SUPPLIERS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the Administration should, to the maximum extent practicable and with due consideration of foreign policy goals and obligations under Federal law—

(1) use domestic suppliers of goods and services; and

(2) ensure compliance with the Federal acquisition regulations, including subcontract flow-down provisions.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall undertake a comprehensive review of the domestic supplier preferences of the Administration and the obligations of the Administration under the Federal acquisition regulations to ensure compliance, particularly with respect to Federal acquisition regulations provisions that apply to foreign-based subcontractors.

(2) ELEMENTS.—The review under paragraph (1) shall include—

(A) an assessment as to whether the Administration has provided funding for infrastructure of a foreign-owned company or State-sponsored entity in recent years; and

(B) a review of any impact such funding has had on domestic service providers.

(c) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 821. REPORT ON UTILIZATION OF COMMERCIAL SPACEPORTS LICENSED BY FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the benefits of increased utilization of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of current utilization of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(2) A description and assessment of the benefits of increased utilization of such spaceports for such missions and operations.

(3) A description and assessment of the steps necessary to achieve increased utilization of such spaceports for such missions and operations.

SEC. 822. ACTIVE ORBITAL DEBRIS MITIGATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) orbital debris, particularly in low-Earth orbit, poses a hazard to NASA missions, particularly human spaceflight; and

(2) progress has been made on the development of guidelines for long-term space sustainability through the United Nations Committee on the Peaceful Uses of Outer Space.

(b) REQUIREMENTS.—The Administrator should—

(1) ensure the policies and standard practices of NASA meet or exceed international guidelines for spaceflight safety; and

(2) support the development of orbital debris mitigation technologies through continued research and development of concepts.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of implementing subsection (b).

SEC. 823. STUDY ON COMMERCIAL COMMUNICATIONS SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing the ability of researchers to conduct and interact with experiments while in flight would make huge advancements in the overall profitability of conducting research on suborbit and low-Earth orbit payloads; and

(2) current NASA communications do not allow for real-time data collection, observation, or transmission of information.

(b) STUDY.—The Administrator shall conduct a study on the feasibility, impact, and cost of using commercial communications programs services for suborbital flight programs and low-Earth orbit research.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress and make publicly available a report that describes the results of the study conducted under subsection (b).

Mr. CRUZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

EXECUTIVE CALENDAR—Continued

Mr. HAWLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 4999

Mr. HAWLEY. Mr. President, I am here on behalf of the millions of working people in this country who are out of time, who are out of luck, and who are just about out of hope. I am here on behalf of the millions of working people who have borne the worst of this pandemic, the people who got sent home back in March and April and May, when other businesses got to stay open, and when companies like Amazon and Facebook were making billions of dollars. These are the workers who lost their jobs, the workers who lost their pay, the workers who were told: Too bad for you.

These are people who right now are missing shifts at work to try to care for kids who are distance learning because of COVID, who are trying to care for a relative who may be sick. These are the people who are always asked to make it work, who are always asked to hold it together and, you know what, they do.

These are proud people, the working people of our Nation. These are strong people. These are the people who have rallied to this Nation's defense in every hour of need, in every moment of danger, who have sent their sons and daughters to go fight our wars, who have given their time and their talents and their treasure at every opportunity for this Nation.

And now they are in need. They are the backbone of this Nation, and they are in crisis. I am talking about the 8 million Americans who have fallen into poverty since this summer; 12 million families—working families—who are now behind on their rent; the 35 percent of working families in America who have had to go ask for food assistance in the last couple of months because of this pandemic. Those are the people I am talking about.

I am talking about people like Susan, who is a single mother, a working mother, from my State in Northeast Missouri, where she lives. She wrote to me the other day, and she is trying to home school her kids who are home because of COVID. She doesn't have internet because she is in a rural part of the State. She doesn't have broadband. She is trying to feed her family. She is trying to stay up with her job, but she has to miss shifts at work because she has got kids at home whom she is trying to home school and supervise. Now she has fallen behind on her rent. She told me, and these are her words:

I am not asking for handouts. I am just asking for a chance to get back on my feet.

Earlier this week, a friend of mine down in Southeast Missouri, the boot heel of Missouri, in a town called Charleston, was helping to distribute food to families in need. He said that there were 30 church groups—30—who lined up to come get food for their congregations, and over 60 families—this is a small town—there were over 60 families who stood in line, and as they were loading food into the trunks of people's cars, many of them were crying.

What these people ask for, what these Americans ask for is not for government to solve all their problems. It is not for government to give them a handout. It is a chance to get back on their feet, a chance to provide for themselves, a chance to recover when they have been asked, again, to sacrifice so much.

That is why the least this body can do is to provide direct relief to every working American who needs it. That is what we did back in March that every Senator voted for: $1,200 for every working individual, $2,400 for working couples, 500 bucks for kids and dependents. It is the least that we can do. It should be the first thing that we could do.

As these negotiations drag on and on, fixated and focused and hung up on who knows what issues, let's start with this. Let's send a message to working families that they are first, not last; that they are the most important consideration, not some afterthought. Let's send that message today.

Surely, we can agree that the working people of this country deserve relief, and if we are going to spend hundreds of billions of dollars on bailing

out this, that, and the other, surely, surely, we could start with reasonable, modest relief to the working people in need in this Nation.

What I am proposing is what every Senator has supported already this year. What I am proposing is modest compared to the scope of the need. What I am proposing will give working folks in my State and across this country a shot—a shot—here before Christmas at getting back up on their feet, getting back to work, and getting back in a position to be able to provide for themselves, these folks who are the backbone of this Nation.

I am here today to ask that this body take up and pass this relief measure: $1,200 for individuals, $2,400 for couples, $500 for kids.

Mr. President, as in legislative session, I now ask unanimous consent that the Senate proceed to the immediate consideration of my bill at the desk; I further ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Reserving the right to object, Mr. President. First of all, I want to say to my colleague from Missouri that I certainly share and I think every Senator in this Chamber shares his concern for people who are hurting because of this COVID pandemic. Businesses have closed. People are on unemployment. People are in need through no fault of their own.

This is an act of God, and that is one of the reasons why I certainly supported the CARES Act. That was over $2 trillion. In total, this body has passed well over $3 trillion, 15 percent to 16 percent of last year's GDP in terms of financial relief.

My comments here are really not directed specifically at the proposal of the Senator from Missouri because he makes many good points. We do have working men and women, we have households that—again, through no fault of their own—are struggling, and we need to provide financial support. I think my comments are, in some respect, more general from the standpoint of how we have done that.

As I have explained to my colleagues in conference, by and large, the initial need packages here were a shotgun approach. We had to move fast. We had to do something big. We had to make sure that markets wouldn't seize, that financial relief could be sent to people very quickly, and so we passed over $3 trillion in financial relief. I knew it would be far from perfect. It was far from perfect.

But now we have had a lot more time, and anything we consider for this additional package that we are considering now that is being debated, that is being discussed, that is being negotiated, ought to be far more targeted.

One of the reasons we are currently $27.4 trillion in debt, which is about 128 percent of last year's GDP—if we do this bipartisan deal, another trillion dollars, we will be $28.4 trillion in debt in the next 3 or 4 months. That is 132 percent of GDP.

When I came to the Senate, we were a little over $14 trillion and our GDP was over $15 trillion, and we were actually below 100 percent of GDP.

I know I am using a lot of numbers right now, and I am going to use more because that is part of the problem.

One of the reasons we are $27.4 trillion in debt is, we only speak about need; we only talk in terms of compassion. We all have compassion. We all want to fulfill those needs. We just don't talk in numbers very often. We don't analyze the data. We don't take a look at what we did in the past and see, did it work or didn't it work? What was spent well? What was wasted?

So I didn't have enough time to do charts. It would be a little bit easier. But let me go through numbers, and I will go through slowly so that people can understand at least my perspective of why I am so concerned about our Nation's debt and the fact that we are mortgaging our children's future. I think we need to be very careful about mortgaging it further when we aren't doing it in a targeted fashion.

So, again, before the COVID recession hit, in December 2019, we hit a record number of people employed in this country. There were 158.8 million people employed. That was a record. Our economy was humming. Because of President Trump's administration, they put forward a reasonable level of regulation and competitive taxes. That brought back the entrepreneurial spirit that supercharged the economy. We were at 3.5 percent unemployment. When I took econ, 5 percent was considered full employment. We were at 3.5 percent unemployment.

Then, COVID hit and, by April, we had gone from almost 159 million people employed in this country to just a little over 133 million people, so that was a reduction in employment of a little more than 25 million people—again, from 159 million to 133 million, 25 million fewer people employed in this Nation.

Now, the good news: Even though the pandemic is still not over and the vaccine is being delivered, and it is being administrated—I think the end is in sight—we have already gained 16 million people employed, so now employment stands at 149.7 million people; 150 million people are employed—down about 9 million jobs—9 million.

I want you to keep those numbers in mind because they are important. Our unemployment rate stands at 6.7 percent. By the way, the number of people unemployed, according to the Bureau of Labor Statistics, which has a little bit different calculation, is about 10.7. So, in this, somewhere between 9 million and 11 million people are currently unemployed.

Now, in the CARES Act—again, which I supported because we had to provide relief—we did provide economic impact payments, which Senator HAWLEY wants to just duplicate—no changes, no modifications, no further targeting. Those economic impact payments were about $275 billion to 166 million people. Remember, 25 million people lost their jobs, but we sent our checks to 166 million people, averaging about $1,673 per person. What may be a more relevant figure is how many households we sent those checks to. We sent them out to about 115 million households at about $2,400 per household.

So, again, $275 billion to 115 million households—that was about 4.5 more households than the number of jobs lost. Today, with only 9 million jobs lost, not only—I mean, that is a big number, a big number. I am not minimizing that. With 9 million jobs lost, if we just repeat it—send out to another 115 million households—that is 12.6 times the number of jobs lost. And if we double it, it goes from $275 billion to $550 billion. That is half a trillion dollars.

I know a trillion doesn't sound like much anymore. It seems like hundreds of billions seem more, but now that we are dealing in $1 trillion or $2 trillion, it is pocket change apparently.

I think it is important to ask: Well, how was that money spent? Did it really—was it really spent on essentials? Was this money really needed? Was there any hope, actually, of that money being stimulative to our economy?

Well, we have one study from the Federal Reserve Bank of New York. They issued it on October 13 of 2020. What they did is, since 2013, they have been sending out in the internet a national survey to 1,300 households called the Survey of Consumer Expectations, and with COVID, they decided to send out two special surveys—one in June and one in August.

Here is what those survey results said. Of the $2,400 per household in the June survey, 18 percent of that $275 billion was spent on essential items; 8 percent was spent on nonessential; 3 percent, on donations, for a total of 29 percent spent. This is what they call the marginal propensity to consume, 29 percent. Of the other 71 percent, equally divided, 36 percent of that was saved, so our Nation's savings rate increased, and 35 percent went to pay off debt—credit card debt.

They also asked the same question about what happened to the unemployment payments. Very similar results: 24 percent of those unemployment payments—the plus-up to $600 per week to stay on unemployment benefits—24 percent was spent on essential consumption, 4 percent on nonessential, 1 percent on donations for, again, the same percent: 29 percent was the marginal propensity to consume from the unemployment payments; 71 percent, for savings and for debt repayment.

They also looked ahead, assuming that we are going to do another round

of stimulus checks. This time they asked their respondents: How would you spend $1,500 if you got a check? This time respondents said that they would spend about 14 percent on essential consumption, 7 percent on nonessential, 3 percent on donations, for a total of 24 percent that would be the marginal propensity to consume—24 percent—and 76 percent, again, on savings and debt repayment.

So I don't think you can take a look at these direct payments to individuals as stimulative. Obviously, 18 to 24 percent was spent on essential items. We ought to figure out how to provide that money so that people can spend it on essentials. Again, that is only 18 to 24 percent maximum.

I do want to talk a little bit about past stimuli. I personally don't believe they do much to stimulate the economy. I think the best way to stimulate the economy is, again, what this administration has done: Lower regulation to a reasonable level—nobody argues for no regulation; we need a reasonable level—and have a competitive tax system.

I fear, in the next administration, we may just repeat the mistakes of the Obama-Biden administration, and here is the proof of their mistakes. Again, remember those employment numbers: a record of about 159 million, currently 150 million people, being employed. Well, back during the great recession, prior to that, we did have employment of about 146 million people in January 2008. By December 2009, that had dropped to 138 million people employed. But when President Obama took office, he had total control of Congress—a filibuster-proof majority here in the Senate—and, within a month, they enacted the American Recovery and Reinvestment Act—$787 billion of proposed spending. In February of 2009, there were 141.6 million Americans working—141.6—and the unemployment rate was 8.3 percent. Again, it continued to dip to December 2009 when it got down to 138 million. It took us 3 years from February 2009 to get back to 141.6 million Americans working, and that is with an $800 billion—roughly, $800 billion—stimulus package that did not work, but it further mortgaged our children's future by another $800 billion.

I wish these things worked. A quick aside: Part of that American Recovery and Reinvestment Act—again, Democrats had total control, with a filibuster-proof majority in the Senate. Do you know how much they plussed-up State unemployment benefits to help the unemployed, those 8.3 percent of Americans? They plussed it up by a whopping $25 per week, and now they are arguing that $300 per week, which I believe is the current proposal, isn't enough. It kind of makes you wonder, doesn't it?

So, in summary, kind of reviewing these numbers, we currently are at 6.7 percent unemployment. I don't recall ever, in U.S. history, when we have even begun to think that we should even spend $100 billion to stimulate an economy at 6.7 percent unemployment.

But this is different. We have underemployed; we have families in need. There is no doubt about it. I completely support some kind of program targeted for small businesses so they can reemploy and so they can reopen to restore capital. Their life savings have been wiped out. I have proposals. They have been ignored.

So what I fear we are going to do with this bipartisan package and what the Senator from Missouri is talking about is the same thing—a shotgun approach. We will not have learned the lessons from our very hurried, very rushed, very massive earlier relief packages. We will just do more of the same—another trillion dollars. It takes our debt from $27.4 trillion to $28.4 trillion in a couple of months with doing virtually no revisions, no improvements and, similar to what the Senator from Missouri is talking about in terms of these economic impact payments, no revisions at all—just spend another $275 billion and send it out to 115 million households when we are currently at about 9 million fewer jobs than we were in a record economy before the COVID recession.

So, for all those reasons, I not only object to what Senator HAWLEY is proposing here, but I am certainly lodging my objection to what is barreling through—the train has left the station—on the package being negotiated right now that is way too big, that authorizes more money, even though we have $600 billion there just for repurposing, no new authorization required. There are 52 Republicans who supported it, but that is not good enough. We have to throw another $300 to $400 billion on top, which is $300 to $400 billion more that we are mortgaging our children's future without reforms and without targeting. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Mr. President, I thank the Senator from Wisconsin for his perspective, which I always appreciate, and, of course, I appreciate working with Senator JOHNSON on some of the issues.

On this issue, I am afraid we are just going to have to differ, and I just want to say this: Nothing could be more targeted and no relief could be more important than relief for working people. The Senator is right; this body has spent trillions of dollars this year alone on COVID relief. We are getting ready to spend, apparently, another trillion dollars more. Yet working people are told they may be last—if they get relief at all.

I don't think the American people understand that. I know people in Missouri don't understand it, and I would just urge Members of this body: Go home and try explaining that to the people of your State. Go ahead. Just try it. Try telling them why this body can bail out the banks. We bailed out the banks to such a tune that now they have money left over. Now we are going to take money back because we spent so much on Wall Street and the banks in the first part of this year. That is right.

In fact, now I understand that my Democratic colleagues don't want to shut down all of the bank money. Who knows what we might be able to do with that in the future? Oh, they are fine. They are more than fine. They are doing great. Now Wall Street is doing great. Big tech, they are doing great; the big multinational corporations, fantastic. Working people—working people are living in their cars. Working people can't go to the doctor. Working people can't pay their rent. Working people can't feed their children. They should be first, not last.

And it is no answer for this body to tell them: Go get in an unemployment line. Really? That is the response? Go get in an unemployment line.

No, the working people of this country, frankly, deserve better. They deserve to be the top priority just like they have made this country the top priority in their lives and their families.

This is not the end of this fight. I am here right now on this floor. Senator SANDERS will be back in a matter of hours to ask again for the same measure. Again, I have been proud to partner with him on this effort, and I will keep working with whomever it takes for however long it takes until we get the working people of this country relief.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TILLIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 4605

Mr. TILLIS. Mr. President, 3 days ago, I came to the floor and spoke in honor of the life of Tyler Herndon, a Mount Holly, NC, police officer who lost his life just days before his 26th birthday last week. He was laid to rest this week.

Now 5 days after his murder and 3 days after my remarks, I am devastated to report that another officer in North Carolina has lost his life in the line of duty. Wednesday night, the Concord Police Department received a call about a crashed, abandoned car on I–85 just outside of Charlotte. Responding officers were alerted that the suspect had attempted to steal a woman's car while she was still in it.

Officers Jason Shuping and Kaleb Robinson tracked and identified the suspect on foot. As they approached the suspect, he pulled out a handgun,

and he shot both of these brave officers. Tragically, Officer Shuping died at the scene. Thankfully, Officer Robinson is recovering at the hospital. Officer Shuping was just 25 years old—the same age as the officer we memorialized this week, Tyler Herndon.

I am just devastated by this. These brave officers had begun their careers in law enforcement and had nowhere to go but up. They were serving our community, and they were doing it with honor.

We talk a lot about the sacrifice given by law enforcement officers who day in and day out are serving our communities and putting themselves in harm's way, and it is dispiriting to think that these fallen officers, at the very beginning of their careers, have already made the ultimate sacrifice in the name of public safety and community safety.

Families in North Carolina and in each of our States are about to endure their first Christmas without their loved ones. We owe so much to these families whose parents, spouses, siblings, children, and grandchildren have given everything in the line of duty.

On Tuesday, when I spoke on Officer Herndon, I said that in the next Congress, I would be moving forward with the Protect and Serve Act again. This act increases penalties for people who murder or assault police officers. But in light of another police officer's death—the second one in a week in North Carolina, in the suburbs, just around the corner from where I live, 10 or 15 minutes away—I think we have to elevate the discussion now and send a very clear message to those who would harm police officers that if you do, then there are going to be dire consequences to pay for it. We owe it to the police officers to let them know that Congress cares about them. We should send this message.

This is a simple bill. It only focuses on those who are so brazen that they would murder a police officer in the line of duty, assault them, ambush them—all the things you have seen; now 48 murders in this year alone.

The best thing we can do is to pass this commonsense legislation and send a message to these people who are taking away the men and women serving our communities.

Mr. President, as if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 4605 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, the Protect and Serving Act of 2020 that has been offered by my colleague and friend Senator TILLIS creates a new Federal crime that would punish assaults on law enforcement officers, including State and local officers, by up to 10 years and up to life if death results from the offense or the offense involves kidnapping, attempted kidnapping, or attempt to kill.

Let me say at the outset that I had a few seconds to communicate with my colleague before this official colloquy on the floor.

I say to the Senator, I sensed in your voice and what you told me how personal this is to you. This just isn't the killing of a law enforcement officer, which is a tragedy all of itself. It is your neighborhood. It is your community. As you said, some of these officers, you know their families, and it is very personal.

I want to say first, I offer my condolences to the families and colleagues of Officer Jason Shuping, who lost his life in Concord, NC, and Officer Tyler Avery Herndon, who lost his life in Mount Holly in the line of duty in North Carolina in the last few weeks. These are terrible tragedies.

We had a similar situation, of all places, in the Loop in Chicago just a couple of years ago—Commander Paul Bauer. What a spectacular man he was in service to the city of Chicago and the State of Illinois. He was murdered in the Loop. Unfortunately, his poor young family had to go through the ordeal not only of the funeral but also, then, of the trial of the suspect. I raise that only because Paul Bauer's assailant was successfully prosecuted by the State of Illinois and was given a life sentence just recently.

As is the case in most of these situations, to my knowledge, I would say to the Senator from North Carolina, every State, including his own, takes this very seriously and prosecutes cases of harm involving law enforcement officers.

The individual responsible for shooting Officer Shuping is dead. If he had lived, he would have been prosecuted for a capital offense in North Carolina. The individual who allegedly shot Officer Herndon has been indicted for first-degree murder in North Carolina.

So it raises the question, why is it necessary to create a Federal crime for something already being successfully prosecuted in every State in the Nation? Assaults on police officers are already criminalized with enhanced penalties, as they should be, and assaults on Federal officers are already Federal offenses. I have a lengthy list here, which I will not read to you, of all of the Federal statutes that already provide for punishment up to death and a life sentence for those Federal officers who would be shot or harmed in any way.

So let me say this to my friend and colleague from North Carolina: I thank you for standing up on the floor and bringing this matter to our attention. We should never overlook the fact that these men and women serve us selflessly and risk their lives in the process. It has happened here in the Capitol. It happens in every corner of America, sadly. But let's save this for another day. Let's take this up in the new Congress, which is about to start in just a few days. Let's address this issue, as well as the issue of how to make the plight of our law enforcement officers safer and more effective. To deal with issues involving that, I think, would be a balanced approach to this, which would serve justice.

For those reasons, I will object.

The PRESIDING OFFICER. The objection is heard.

Mr. TILLIS. Mr. President, I am obviously disappointed in the objection from my friend and colleague from Illinois, but I do believe that we have to start recognizing that something bad is happening—48 murders, hundreds of assaults, ambushes, premeditated attacks.

I do understand the idea that maybe you could prosecute it through existing law, your Federal or State law, but we have an epidemic of ''abolish the police, defund the police,'' marginalizing the police, that suggests to me that even if there are pathways now to properly prosecute these brazen criminals, we have to cut through some of the rhetoric that, honestly, I believe is the responsibility for some of these unprecedented numbers of murders and assaults.

So although I am disappointed with the objection today, I look forward to working with my colleague on the Judiciary and others to do everything we can to pass the Protect and Serve Act and to send a very clear message to these increasingly less safe communities and more threatened law enforcement officers that we are going to do everything we can to make our communities safe and to make a police officer's job as safe as it can be.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. CORNYN. Mr. President, there is a lot going on and not enough of some things we really need to go on going on.

But I think it is worth noting again—lest the moment be lost somehow in all the back and forth and all the chaos—that we have reached a watershed moment in the war against COVID–19.

As you know, the first successful vaccine was approved last week. I watched online as the Vice President of the United States and his wife received the vaccine. I applaud them for demonstrating their confidence, which should be all of our confidence, that this vaccine is not only effective but also safe.

In my State of Texas, it is estimated that there will be a million people vaccinated by the end of this month. That is a modern medical and logistical miracle.

Yesterday—the news keeps getting better—the FDA's expert advisory panel recommended the Agency approve a second successful vaccine, meaning millions more doses, over and above the Pfizer vaccine, could be headed out the door in a matter of days, if not hours.

The light at the end of the tunnel is getting bigger and brighter every day, but we are not out of the dark yet. As we know, tragically, more than 300,000 Americans have lost their lives to this virus. Millions have lost their jobs and their livelihood. Countless small businesses have permanently closed their doors, and the devastating impact of the virus across the country is growing day by day.

Earlier this year, we were able to come together in four separate pieces of legislation in a bipartisan—nearly unanimous—manner and respond with the sort of alacrity and speed and with the scope that I think our constituents expected us to. We didn't exactly know how big we needed to go. We just knew we needed to go big and we needed to go fast.

We appropriated more than $3 trillion of coronavirus relief. We didn't know how long the virus was going to last. And when we tried to offer additional aid to the American people, unfortunately, the partisan dysfunction that sometimes creeps in—particularly, in the days leading up to a national election—prevented us from providing that relief.

But the election is over, and it is time for us to do our jobs. Really, we need to build on our past success.

The bills culminating in the CARES Act in March bolstered our healthcare response by making testing free of charge. Remember that used to be the watchword, what people would continue to say day after day after day: testing, testing, testing. You are not hearing that anymore because testing is ubiquitous.

We provided vital funding for hospitals and armed our medical workers with the personal protective equipment they needed to sustain this fight on the frontline. We poured funding into research and development of vaccines, therapeutics, and treatment. And by any measure, those efforts have been a success.

While, as I said, the number of people testing positive has gone up pretty dramatically, the death rate has remained much lower than it was in the early days of the virus. That is because, I believe, the treatments have improved, the therapeutics are working, and our healthcare providers are learning how to treat people with the virus in ways that are saving lives.

The work we did up through March buoyed the workers and families who needed the help with direct payments, bolstered unemployment insurance benefits, and even gave the option to defer student loan payments with no penalty. We knew people needed help, and we acted responsibly, I believe.

We also supported our wobbly economy with the assistance for the Main Street businesses through the Paycheck Protection Program and loans for the industries that our States and Country rely on.

But as time has gone on, much of the funding provided by those bills has run out. As I said, we didn't know in March how long this was going to last, either the public health challenges or the economic challenges associated with it. But we have a better picture of what is needed now and we need to act and act soon—money for schools, vaccine distribution, and for airlines, which, through no fault of their own, are seeing their ridership plummet. They need help. Each of these are worthy of our best efforts to help.

Critical provisions that supported everything from unemployment benefits to the Paycheck Protection Program have already lapsed or are within just a few days of doing so. I know people wonder: Why does Congress wait so long, to the 11th hour to act?

Well, call it human nature, call it stubbornness, call it politics, call it what you will, but deadlines do force action, especially here in the Congress. I believe we are on the cusp of positive results for the American people.

For months now, disagreements on what the next relief bill should look like have stopped us from making progress. Unfortunately, I think it was more about the election and stoking the fears and anxieties of the American electorate in the run up to the election. I think that is what prevented us from passing additional bills after the CARES Act in March.

Then NANCY PELOSI and the House passed the Heroes Act, which everybody recognized—the mainstream media and even Democrats acknowledged—was not going to go anywhere. That was another $3 trillion bill that helped the nascent marijuana industry, providing tax cuts to the wealthy people living in high-tax jurisdictions like New York and San Francisco. It was clearly not designed to pass, but rather to send a message.

Well, we knew we needed a targeted bill to send relief to those who needed it most, without driving up government spending even higher than necessary. Over these last several months, too much of the discussion has been focused on the areas where we disagree and, truthfully, there is no such thing as a perfect bill. You can always find a reason to say no.

But I don't believe that is the reason our constituents have sent us here. They want us to be responsible. They want us to be careful with their tax dollars, but they do want us to act in their best interests by trying to find ways to build consensus—even when we can't agree on everything, to at least agree on the things we agree on. I think they expect us to do that.

We all understand that our workers and many people have had the rug pulled out from under them. They had no money coming in the front door. They are worried about paying the rent or mortgage. Their kids are at home going through virtual schooling. I mean, it is tough on a lot of people. It is not so tough if you are a Member of Congress and are receiving a paycheck. But for millions of our constituents back home, they have been waiting and waiting, and they have been hurting because we have not been able to get our act together.

The second round of the job-saving Paycheck Protection Program would help a lot. It would help our small businesses, throw them another lifeline. That was really one of the most popular parts of what we were able to do in March.

As the Presiding Officer will remember, we appropriated $350 billion and it went in 2 weeks. So we appropriated another $320 billion to provide loans to small businesses and incentives for them to maintain their payroll so people would have income and so that those small businesses, once we got the virus in the rearview mirror, would still be around and help rebound our economy.

In Texas alone, there were 417,000 Paycheck Protection loans—$41 billion worth. The average loan was $115,000; although, I was on a Zoom call with some in the Texas Bankers Association, and one of them told me that their smallest loan was $300. I am sure there is an interesting story behind that. The point is this was needed help, and it has run out.

Then we need another investment in vaccine distribution. The logistical challenge of getting this vaccine around the country is mind-boggling, but we can see it is already working because of thorough planning and good execution, but they need more money to make sure that we get the job done. We also need to make sure that schools, particularly as people feel more comfortable going back to school in person, get additional support so they can bring the children back into the classrooms and keep them and the teachers and other employees healthy at the schools.

We know virtual learning has been a disaster, particularly for low-income students. Unfortunately, broadband is not universally available in the United States, and there are parts of my State wherein as many as a third of the students don't have access to broadband. So how in the world are they going to continue their educations? Local officials and State officials have tried to help, leaving parking lots outside of the school libraries available so you can drive up and gain access to the Wi-Fi from the schools, or they have distributed hotspots so that, if you get access to cellular service, you can actually tie into Wi-Fi and get online and

continue your studies. Yet, for many of our young people, these school lockdowns have been a disaster in terms of their educations. So we need to do more in that area as well.

Common sense tells us that, when you are sitting across the table, negotiating with somebody, if 80 percent of what you are talking about is agreed to, the process should move along pretty quickly because nobody gets 100 percent of what one wants around here. It is just not possible. While it is unfortunate it has taken us so long to reach this point, I am encouraged that maybe, just maybe—now with the deadline for government funding running out tonight at 12 midnight—this is forcing action and that a deal is in sight.

There has been more bipartisan cooperation and communication over the last several days than there has been in the last several months. A lot of people have put a lot of effort into this on a bipartisan basis, and now the decision is with what we call the ''four corners''—rank-and-file Members of the House and Senate. We are not going to have a chance to amend this deal. It is going to be proposed by Speaker PELOSI, Democratic Leader SCHUMER, Leader MCCARTHY, Majority Leader MCCONNELL, and the White House. So I am sure it is not going to be perfect. Unfortunately, we will not have a chance to make it better. I hope the partisan divisions that have paralyzed Congress for much of the year do not rear their ugly heads in these final hours and at this critical stage of negotiation.

There is too much at stake for us to go home for the holidays emptyhanded. There are too many people who are hurting, too many people who are anxious. The number of people having overdosed by self-medicating since the virus hit is, I think, about 80,000, I read. You can imagine people self-medicating, whether it is with alcohol or drugs or people who are trapped with an abuser, either a spousal abuser or a child abuser. Because they are not going to school, their teachers can't look for signs of that abuse and get them help. Reports of child sexual abuse are down 40 percent. It is not because it is not happening; it is because kids aren't in school, where teachers and others can come to their aid.

I can only imagine a single mom, say, with three kids of different ages at home, trying to continue their educations, but she is worried: How do I keep working—maybe she is an essential worker—so she can pay the bills to put food on the table and pay the rent. Can you imagine the chaos and stress?

There is too much at stake for us to go home for the holidays emptyhanded. We need to remember we are not here for our benefit; we are here for the benefit of the people we are honored to represent—in my case, 29 million Texans. We have a fiduciary responsibility. We are in a position of trust. They have entrusted us with their welfare. The American people have waited long enough. We can't let them down again. We are on the 5-yard line, and we need to deliver. We need to get this done and get this done soon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 8428

Mr. DURBIN. Mr. President, we had a hearing this week, the Immigration Subcommittee of Senate Judiciary, and Senator BLUMENTHAL was there with me and others. We listened to people from Hong Kong tell the story of what is happening because of the repressive regime in Beijing and what is happening to those in Hong Kong who are demonstrating in favor of democracy.

This hearing on the crisis in Hong Kong also raised a lot of questions about the United States and our own immigration and refugee policy toward those who are being persecuted.

At the hearing, there was some powerful testimony. I recall one of the witnesses, Mr. Chu, who said that he was aware of students—Chinese students—currently in the United States who have already been designated as enemies of the state by China and who, if they are forced to return to China, will face prosecution, imprisonment, and who knows. It was a very personal story because these people are friends of his who, through no fault of their own, only speaking out against the regime in Beijing, now will face long prison sentences if forced to return to China.

I am amazed, as I meet these people from China and Hong Kong, at the courage they show. Mr. Chu, for example, had come to the United States—been sent to the United States by his father at the age of 12 because his father had made a practice of helping the Chinese who had demonstrated on Tiananmen Square and providing the equivalent of an underground railroad for them to escape China. I guess the people in Beijing were on his heels, and so to protect his family, he sent his 12-year-old son to the United States, who has lived here for a number of years. He is an American citizen now.

This repression and the Chinese Government meddling in the lives of the people of Hong Kong are appalling. Thousands of protestors in Hong Kong have been persecuted for fighting for the liberties that we Americans routinely say we enjoy—freedoms of assembly and speech, the right to vote, due process, and the rule of law.

The national security law imposed on Hong Kong by the Chinese Communist Party in June has enabled the ruthless abuse of protesters, political leaders, journalists, and teachers. Despite its name, the national security law is not about security; it is about fear—fear of the voices in Hong Kong calling for reform of democracy and freedom.

I believe my colleagues on both sides of the aisle share my feelings about the crisis in Hong Kong, but the question today is, What are we willing to do about it?

Last week, on a unanimous voice vote, the House of Representatives passed the bipartisan Hong Kong People's Freedom and Choice Act, which would grant temporary protected status to Hong Kong residents currently in the United States and provide an opportunity for refugee status to Hongkongers facing persecution.

At Wednesday's Judiciary Committee hearing, we received a clear message: Congress needs to pass the Hong Kong People's Freedom and Choice Act in the Senate now. We can do it. In fact, we can do it today. Think about the message it would send from the United States to Hong Kong and to the world if we sent this bill to the President's desk to be signed into law. It is bipartisan. It was unanimous in the House. It is timely, and it addresses a real problem.

Under the bill, Hong Kong would be designated for TPS for 18 months. To qualify for TPS status, eligible Hongkongers currently in the United States would need to first clear a criminal history and national security screening and pay a $360 filing fee.

Some of the critics have said: We can't trust the Chinese in the United States. They may be spies.

That is why we require, under the TPS, that anyone applying for this TPS status has to go through a criminal background check and a national security screening.

I want America to be safe—we all do—but just to categorically say ''If you are from China or from Hong Kong, you are a suspicious character, and we don't want you to stay here'' isn't fair. It isn't realistic.

Sixty-seven hundred students are here now legally in the United States from Hong Kong and China, and they were admitted to the United States under standards and investigations. They are students at our universities, and they would qualify for this important temporary humanitarian protection so that they aren't forced to return to a literally dangerous situation.

TPS can be granted by the President if he wishes, but the Trump administration has failed to protect Hongkongers in need.

This bill also establishes expedited refugee and asylum access for qualified individuals and their family members. This would enable persecuted Hongkongers to register with any U.S. Embassy or Consulate, or with the Department of Homeland Security if they are in the United States.

Refugees and asylees would be required to meet all legal requirements and pass background checks before

being granted status in the United States. That is just not a minor administrative chore. We are serious about it. If you want to come to the United States as a refugee or asylee, we will do everything we can to make certain that you are no danger to anyone in the United States.

The refugee policies of this outgoing administration have put at risk Hongkongers who are fleeing Chinese persecution, not to mention millions of other vulnerable refugees. Since the enactment of the Refugee Act of 1980, the United States has resettled on average of 80,000 refugees a year. That is our annual average since 1980. However, in the midst of the worst refugee crisis in history, the current Trump administration has set record low refugee admissions figures for 4 years in a row, culminating in the lowest levels in history this year at 15,000—from 80,000 to 15,000.

How many refugees has the United States admitted from Hong Kong in the last year? Zero—not one.

When you look at what the Communist Chinese Party is doing in China, threatening these demonstrators who are marching in the streets for things that we say over and over are the underpinnings of our democracy, and to think that we have not granted one single person in Hong Kong refugee status is hard to imagine. The Trump administration has decimated legal protections for Hongkongers and other innocent victims of persecution.

For example, under the rule issued last week, Hongkongers could be denied asylum if they transit other countries on the way to the United States, if persecutors detain them for only a brief period, or if persecutors were not able to carry out their threats before the activist fled.

According to the testimony of the Hong Kong Democracy Council executive director, Samuel Chu, on Wednesday—I mentioned him earlier—the people most immediately at risk in Hong Kong are the approximately 10,000 individuals who have been arrested by the Chinese Government crackdown.

Make no mistake. We know what the Chinese Communist Party is up to. As for these concentration camps—they call them reeducation camps—that they created for the Uyghurs, we know what they are doing. They characterize them in many different ways, but we have seen this throughout history. The question is, What are we going to do about it?

We are going to protest what is happening to the people in Hong Kong, but will we take one step—even one small step—to provide them security and safety?

Not all of them are going to wish to leave Hong Kong, I understand that. Some of them can't. Some of them may receive assistance from another country. The British Prime Minister has offered a path to citizenship to up to 3 million Hongkongers eligible for overseas passports. The Australian Government has stepped in with visa options for students and workers from Hong Kong. Canada announced multiple new immigration measures supporting Hong Kong residents, including measures to help Hong Kong students in Canada.

I have a basic question. What are we going to do? You hear this about the British stepping up, the Australians stepping up, the Canadians stepping up. Where is the United States?

This is our chance today. Senator BLUMENTHAL is going to make a unanimous consent request to actually have the United States do something.

One country cannot take in all the refugees from Hong Kong nor should it be expected to, but surely the United States of America, the most powerful nation on the Earth and, we hope, a model for democracy in the world, cannot protest what is happening to the innocent people of Hong Kong and the repressive regime of Beijing and then do nothing.

Passing the Hong Kong People's Freedom and Choice Act is urgently needed. The situation continues to deteriorate. We need to do it and do it quickly. We need to protect Hongkongers in need. Think about the message that it sends to the world if the United States agrees with Senator BLUMENTHAL's request today and passes the measure that has already passed the House of Representatives and it becomes the law of the land. How will the Chinese Government pass that off as insignificant, when all of these countries are basically saying their treatment of the people of Hong Kong is abominable?

We should act quickly. The Senate Judiciary Committee has failed to raise another bill, the Hong Kong Safe Harbor Act, sent to it 6 months ago. So they have had their opportunity in the committee to do something. Under the Democratic majority, the House did their job and acted quickly with a bipartisan bill.

We have seen a lot of speeches on both sides of the aisle about how mad we are at the Chinese Government. The question today, in the next few minutes, is, Are we mad enough to do something?

Do something significant. I ask the Senate to join the House in passing the Hong Kong People's Freedom and Choice Act now. Let's send this bill to the President and send a strong message to the people of Hong Kong that they are not in this alone.

How fortunate I am to have a colleague like Dick Blumenthal. We see eye-to-eye on this issue. He jumped on the measure and said he wanted to move on it, and I thought, darn, I wish I would have been the first one, but I am happy to accompany him on this effort.

I sincerely hope that this is truly bipartisan. If our protest against the Communist Party of China is meaningful and bipartisan, it will be powerful.

I yield to my colleague, Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am really honored to follow Senator DURBIN, a staunch and steadfast champion of refugees and immigration reform who, year after year, has shown the courage to stand up on this issue.

And to emphasize a point that he has made, there is an urgency to our acting. There is a sense that time is not on our side for the lives at stake here. The world has watched in horror as China has cracked down on the incipient democracy movement in Hong Kong. We have seen the yellow umbrellas. We have seen the marchers in the streets and the brutality and the cruelty of the Chinese Communist Party and Chinese authorities, using clubs and guns with the kind of thuggishness that has come to characterize the Chinese anti-democracy movement there and around the world. We have an opportunity to take a stand and speak out and do something in defense of the brave protesters who are risking their lives.

We have seen this kind of democracy movement before. We know it is in the great tradition of our country to stand with those protestors and those marchers who are saying to the Chinese Government: We will not let you break the agreement that you did in 1984 with the United Kingdom to preserve these freedoms and to make Hong Kong an outpost of democracy in the repressive regime of China. We will not let you chip away at our rights or extradite our people to China. That law was the spark that ignited these protests. We will not let you mock our demand for freedom and democracy.

The Hong Kong People's Freedom and Choice Act of 2020 was passed unanimously in the House of Representatives with overwhelming bipartisan support, and it would very simply give those protesters protective status in this country, the greatest Nation in the history of the world, saying to them: We will give you a safe harbor. We will give you a place where you can be protected.

And remember, what the Chinese are saying is: You can be indicted. You can be arrested. No matter where you are in the world, if you violated our law, we will bring you back.

And we would say to those protestors who are simply demanding fundamental freedoms that often we take for granted here: We will give you protective status. We will give you temporary protective status right away. We will make sure that you have that safe harbor.

Now, I know that my colleagues, Senators Rubio and Menendez, have a bill that is actually called the Hong Kong Safe Harbor Act. We had a hearing on it the other day in the Judiciary Committee. All of my colleagues expressed support for the individuals who came to us asking us to act on that measure.

The Hong Kong People's Freedom and Choice Act of 2020, in fact, would go beyond that measure, only to say that you don't have to be formally charged in China and you don't have to be in specific categories of protestor. You can be a journalist, and you can get temporary protective status. It would also say that you don't have to demonstrate individually a fear of persecution, but you do have to be screened. You do have to demonstrate that you are not going to be a national security threat.

My colleague Senator DURBIN is absolutely right to make this point. Nobody wants Chinese spies in this country. There would be a background check and a screening just as there are for other refugees under this measure.

The other day, at this hearing, we heard from Samuel Chu and Nathan Lau and we heard from Joey Su. These activists are fighting for their freedom. We heard their stories, so powerful and moving. Their faces and voices should be heard and heeded in this body.

We are far removed here in this sedate setting from the clamor and the cruelty of those streets in Hong Kong, where men and women have stood bravely against the physical brutality and force of the Chinese regime. But we should send a message to the world: We are going to stand with those refugees who come here heeding the lady who stands in New York Harbor with a message of hope and freedom. The same lady who many of our forebears in this Chamber saw when they came to this country—like my dad, in 1935, at the age of 17, alone, seeking to escape persecution in Germany, speaking no English, knowing virtually no one, having not much more than the shirt on his back but believing—believing—that America would offer him the safety of freedom as a refugee.

That is our tradition in this country. It goes beyond party, geography, race, or religion. It is what makes America truly great. We are a nation of immigrants and refugees, and my hope is, as I stand here, that we will have the same unanimity in this body as the House did, despite all the other divisions that persist at this point; that we will have the respect for the moral imperative to act now and make sure that we fulfill the message of America now that is more important than ever before in light of the repressive regimes, even in our own region, whether it is Venezuela, Guatemala, Honduras, Nicaragua, where we can say to the world: We are going to stand by our principles, and we are going to do it now because of the urgency of this moment and the need of these refugees for temporary protective status.

Let us act now.

So, Mr. President, as if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 8428, and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object, today, we have good news and bad news. The good news is that our Democratic colleagues are finally discovering that the Chinese Communists are not our friends. They are finally acknowledging that the Chinese Communists are murdering, torturing, oppressive tyrants, and our Democratic colleagues are likewise discovering that Hong Kong is a beacon for democracy and a beacon for liberty. That is, indeed, good news.

The bad news is, the bill that they have put forth is not designed to do anything about it. This is not a Hong Kong bill. It is, instead, a Democratic messaging bill because House Democrats made, I think, a cynical decision to try to exploit the crisis in Hong Kong to advance their longstanding goals of changing our immigration laws.

It is not news to anyone who has been watching the political battles of recent years to discover that our Democratic colleagues embrace open borders; that when it comes to illegal immigration, their preference is to make all immigration legal. This bill advances that longtime partisan political agenda that the Democrats have.

When it comes to standing up for Communist China, for 8 years I have led the fight in this Senate to stand up to Communist China. China is, I believe, the single greatest geopolitical threat facing the United States for the next century.

In October of last year, I traveled to Hong Kong as part of a friends and allies tour throughout Asia, met with the Hong Kong dissidents—those brave, young students standing in the streets, standing for freedom, and standing up against Chinese tyrants. I did a satellite interview on an American Sunday show from Hong Kong dressed in all black in solidarity with those protesters because Hong Kong today is, as I have said many times, the new Berlin. It is the frontline in the battle against Communist tyranny.

This bill, however, is not designed to fix that problem. Right now, today, under current law, individuals in Hong Kong are already eligible to become refugees under our immigration law. In fact, in July, President Trump explicitly expanded the number of refugee slots available and allocated them to Hong Kong. This bill, instead, is designed and would dramatically lower the standards for both refugee and asylum status to the point where individuals would qualify even if they cannot establish an individualized and credible fear of persecution.

The Senator from Connecticut just listed that as a virtue of this bill—that no longer would you have to establish a credible fear of persecution; instead, this bill would dramatically lower that standard. There is no reason to lower that standard, and there is particular risk when doing so, we know, would be used by the Chinese Communists to send even more Chinese spies into the United States.

The Senator from Connecticut assured us: Well, don't worry. We will do a background check.

Well, the last I checked, when the Chinese Communist Government sends spies into our country, they are quite willing to concoct a bogus background portfolio of materials. Who do you think the Chinese Government would be seeing coming in? We just recently had news of Chinese spies targeting Members of Congress—targeting prominent Democrats. This is an espionage threat America faces of our adversaries taking advantage of our laws and targeting our leadership.

The truth also is that China has confiscated passports and, I am told, stopped issuing exit visas to persons deemed problematic. As a result, China is highly unlikely to let actual dissidents leave Hong Kong, so this bill isn't directed to help them.

But I will say this: We urgently need to have a real, substantive, bipartisan conversation about countering the Chinese Communist Party, about defending the United States of America, about standing up and winning this battle. This bill doesn't advance that objective, but what I am going to do is I am going to give our Democratic colleagues the opportunity to actually support legislation that would stand up to China.

So, momentarily, I am going to ask unanimous consent for one bill and discuss a second bill that I also later intend to ask unanimous consent to pass. But first, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I really regret this attack on a bill that was passed unanimously—Republicans, unanimously, and Democrats, unanimously—a bipartisan bill by the House of Representatives. If my colleagues are serious about moving a bill to the desk of the President, only this bill will do it because only this bill has been passed by the House of Representatives.

There is an urgency to this cause for the sake of these refugees who haven't been permitted to leave their country, haven't been sent by China, haven't simply come into this country as potential espionage agents. They have come here because they fought for freedom in their country. So to say that we have discovered that we need to stand up to China, sorry about that, but it is just preposterous.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BLUMENTHAL. I yield to the Senator from Illinois.

Mr. DURBIN. I would ask the question through the Chair. Isn't it true

that this bill that we are promoting, which just passed the House unanimously on a bipartisan basis, also protects the 6,700 students here in the United States with student visas from being forced to return to Hong Kong when our State Department is warning Americans it is unsafe for them to travel to Hong Kong? Is that not true?

Mr. BLUMENTHAL. The Senator from Illinois is absolutely right, and I was just going to, as a matter of fact, make that point because I think it is central to the objection that has been raised.

In fact, the people in danger here are already here. They are in danger if they are sent back, as they would be without that temporary protected status. So that point, I think, refutes, essentially, the argument that has just been made by our colleague from Texas.

Mr. DURBIN. If the Senator would yield further for a question—and this notion that the Chinese in the United States are all suspect spies, is it really—is that the point you want to make? Is that really the point you want to make? Do we have background checks involved here? Do we have screening involved here?

We are all intent on keeping America safe, but to categorize a group of people as all potential spies—and, therefore, they are going to all be fed to the lions of Beijing if they are returned—seems to me to be fundamentally unfair and not consistent with what America has learned about immigration. There were suspicions in World War II about all those people coming from Europe, and they were turned away, many of them to their death. We can't make that mistake again. If there is any suspect person, there is a way to determine that with screening, criminal background checks, and the like.

So the 6,700 who are here, we were told at the hearing—I think you were there; it may have been a minute or two before you arrived—one of them is a student of Georgetown, for example, who now has a price on his head from the Chinese Communist Party, and the question is whether we are going to force him to return into imprisonment. I don't think we want anyone who is suspected of spying on the United States at all, but to dismiss all of these people as possible spies doesn't sound to me—does it sound to you?—as consistent with who we are as a people.

Mr. BLUMENTHAL. To answer the Senator from Illinois very directly, it is totally antithetical to the principles of democracy in the United States of America. It is totally abhorrent to the values of our constitutional Nation, and it is, frankly, absurd.

Here we are, according to my colleague from Texas, standing up and being tough on China, and we are doing what? We are sending back their opponents so they can imprison them and kill them? That is the notion of being tough on China—to enable them to imprison and kill their political opponents?

I ask my colleague from Texas to rethink the practical implications of this measure and to consider why the House of Representatives unanimously passed this. It doesn't lower the standards for political refugees coming to this country. It doesn't eliminate any security checks. It takes people, many of them living here already—not spies, by any means—and sends them back to the meat grinder of the repressive Chinese Communist Party. It may sound like good rhetoric to oppose this bill, but my colleague from Texas heard the testimony of these freedom fighters and why they need temporary protected status and why they support a safe harbor.

So I continue to insist that this bill, like the Rubio-Menendez bill, protects essential American values, and I ask him to reconsider his objection.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. 3835

Mr. CRUZ. Mr. President, my colleague from Connecticut just said that they were being tough on China. As I explained, this bill is not being tough on China.

But a bit of good news: They will have the opportunity, moments from now, to in fact be tough on China. I have introduced, roughly, a dozen separate pieces of legislation designed to do exactly that, to stand up to the Chinese Communist Government. I am glad also to see my Democratic colleagues discovering the human rights travesties that are playing out in China.

Look, my family knows the oppression of Communist governments. My father was imprisoned and tortured in Cuba. My aunt, my Tia Sonia, was imprisoned and tortured by Fidel Castro's thugs. So, when it comes for standing for dissidents, there is a reason why, for 8 years, I have gone to the Senate floor over and over and over again speaking up for dissidents who are being tortured and oppressed by Communists. Here is a chance for the Democrats to join us in that regard.

Mr. President, there are two separate bills that I have introduced that I am going to discuss. The first is a bill called the SCRIPT Act.

For years, we have known that China's surveillance state and censorship practices are used to maintain its human rights violations. And what this devastating pandemic has shown us is that China's surveillance state and its censorship practices are also profound threats to our national security, to our public health, and to our public debate, as the Chinese Government hid information about the COVID–19 pandemic that began in Wuhan, China, hid it for months on end and allowed millions across the globe to be threatened—their lives and health and safety to be threatened.

In addition to their espionage activities, the Chinese Communist Party invests billions into spreading propaganda, even using American media outlets, telecommunication infrastructure, movies, and sports teams to spread their propaganda, from buying media outlets so that they broadcast propaganda into America to coercing Hollywood studios and sports leagues to self-sensor by threatening to cut off access to one of the world's largest markets. The Chinese Communist Party spends billions and billions of dollars to mislead Americans about China and to try to shape what we see, what we hear and think.

All of these activities are part of China's whole-of-state approach to amass influence around the world through information warfare, and we need to stand together to stop it.

That is why I will be momentarily asking for unanimous consent on the SCRIPT Act, which would cut off Hollywood studios from the assistance they currently receive from the U.S. Federal Government if those studios allow the Chinese Communist Government to sensor what they are producing.

We have seen this pattern over and over and over again—Hollywood being complicit in China's censorship and propaganda in the name of bigger profit. ''Bohemian Rhapsody,'' a wonderful biography of Freddie Mercury and story of the band Queen—well, the Chinese Government was upset that Freddie Mercury was homosexual and demanded that Hollywood sensor scenes that showed that Freddie Mercury was homosexual. And Hollywood—those great, woke social warriors that they are—compliantly said: We are more interested in the money than in artistic integrity, than in telling Freddie Mercury's story, so the Chinese Government will happily edit out those scenes.

''Doctor Strange,'' another movie—comic book movie—in ''Doctor Strange,'' they changed the Ancient One's character from being from Tibet, which is how it is portrayed in the comic book, to Celtic because, you know, the Chinese Communist censors, they don't want to recognize Tibet—another area that has been subject to persecution and oppression from China—and Hollywood meekly complied.

In the sequel to ''Top Gun,'' the back of Maverick's jacket—if you remember the first ''Top Gun,'' maybe the greatest Navy recruiting film ever made—you find the Taiwanese flag and the Japanese flag. The Chinese censors didn't like that, and so Hollywood meekly removed the flags. What does it say to the world when Maverick is scared of the Chinese Communists?

I would point out, unfortunately, the Chinese censorship is being carried out by Hollywood billionaires who are getting richer in the process.

In recent days, it has been reported that one of Joe Biden's top potential choices to be Ambassador to China is the former CEO of Disney, who happens

to be a major Democratic donor. Disney just came out with the movie ''Mulan.'' In the movie ''Mulan,'' which the director described as ''a love letter to China''—well, this love letter wasn't subtle because right in the credits at the end of ''Mulan,'' they thanked oppressive government forces that are running concentration camps right now, with over 1 million Uighurs imprisoned. Disney gleefully thanked the jackbooted thugs who are carrying out torture and murder, and apparently the leader of that effort is one of the top candidates to be America's Ambassador to China.

The Senator from Illinois and the Senator from Connecticut said: ''We need to stand with people who are oppressed.'' I agree.

Look, Hollywood could say whatever they want, but there is no reason the Federal Government should facilitate their censorship on behalf of the Chinese Communists. The SCRIPT Act says: If you are going to let the Chinese Communists censor your movies, you are not going to get access to the jet planes and to the ships and all the different material of the Federal Government that are used in movies.

Moments ago, the Senator from Connecticut said they want to be tough on China. Well, we are about to see how tough they are on China.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CRUZ. I will happily yield for a question.

Mr. DURBIN. Can you tell me, if you are successful and if you hit Hollywood hard, how that provides any solace to the 6,700 Hong Kong students in America who are facing deportation back to prison in China?

Mr. CRUZ. The Senator from Illinois asked a question. Let me tell you how it provides solace—because people who are in hell holes, they listen to what we are saying. People who are in hell holes, they hear the voice—you know, some time ago, I had the chance to sit down with Natan Sharansky, the famed Soviet dissident. He and I sat down and visited in Jerusalem. Natan told me about how, when he was in a Soviet gulag, that in the cells, from cell to cell, they would pass notes: Did you hear what Ronald Reagan said? The Soviet Union is an evil empire. Marxism-Leninism will end up on the ash heap of history. ''Mr. Gorbachev, tear down this wall.''

And I will tell you how people here—because if the Senator from Illinois will remember, I introduced legislation to rename the street in front of the Chinese Embassy in the United States ''Liu Xiaobo Plaza,'' after Liu Xiaobo, the Nobel Peace laureate who was—let me finish answering your question. If you want to propound a second one, I am happy to answer that one too. Liu Xiaobo was the Nobel Peace laureate wrongfully imprisoned in China. And the strategy of renaming the street in front of the Embassy is the strategy Reagan employed renaming the street in front of the Soviet Embassy ''Sakharov Plaza.''

Twice I stood on this floor seeking unanimous consent, and twice a Democrat—the senior Senator from California—stood up and objected. At one point, the senior Senator from California said: Well, if we do this, it will embarrass the Chinese Government.

I responded: You are understanding correctly. And that is not a bug; it is a feature. That is the purpose.

Let me tell you what happened to that. Twice, Democrats objected to the legislation. I then placed a hold on President Obama's nominees to the State Department.

The Obama administration came to me and said: How could we move these nominees forward? How could we move them forward?

I said: It is very simple. Pass my legislation, and I will lift the hold.

The Democratic caucus didn't like that, but they ultimately agreed. So the legislation I introduced to rename the street in front of the Chinese Embassy ''Liu Xiaobo Plaza'' passed this body unanimously.

Ultimately, the House didn't take it up and pass it, but I will tell you how that story ends. That story ends in 2017 when I was sitting down with Rex Tillerson for breakfast in Foggy Bottom—the new U.S. Secretary of State. When he spoke to his Chinese counterparts, he said: They have come back and said that among their top three diplomatic objectives with us is to stop your bill to rename the street in front of the Embassy. They are terrified by the sunlight and sunshine on the dissidents.

At the time, Liu Xiaobo had passed, but his widow, Liu Xia, was still in China, still wrongfully held back. I told Secretary of State Tillerson: I will tell you what. You tell the Chinese that if they release Liu Xia, if they let her get out, I will stop pressing this particular bill. If they don't, I will keep pressing it, and we will pass it again because we have already done it.

Within weeks, China released Liu Xia.

So you ask, how does this help the people in prison? By not having Hollywood media moguls spreading Chinese propaganda.

But let me give you a second choice, very directly. Do you want to know how people are helped? It is a second bill called the SHAME Act, which, if our Democratic colleagues want to be tough on China, we could pass right now.

What does the SHAME Act do? The SHAME Act focuses in particular on human rights atrocities. It focuses on over 1 million Uighurs in concentration camps and other religious minorities and the Falun Gong practitioners who are captured and murdered and whose organs are harvested. And the Chinese Communist Party engages in yet another horror.

My Democratic colleagues like to say on the question of abortion that they are pro-choice. Well, the Chinese Communist government right now is engaging in forced sterilizations and forced abortions, taking Uighur mothers and forcing them to abort their children against their will.

Whatever the Democrats' views on abortion in the United States as a matter of a woman's choice, surely they must be united in saying that a government forcing a woman to abort her child, to take the life of her unborn child, is an unspeakable atrocity.

So the SHAME Act does something very simple: It imposes sanctions on the Chinese Communist government leaders responsible for implementing this horrific, 1984-style policy of forced sterilizations and forced abortions.

I had intended to seek unanimous consent for the SHAME Act as well, but my Democratic colleagues have said they are not yet able to find a Democrat to object, although my understanding is they intend to. I hope they reconsider that.

A terrific ending for today's debate would be passing the SHAME Act and saying: We are all standing together against forced abortions and grotesque human rights violations. Maybe that will happen. Maybe it won't. But let's find out where we are on the question of the SCRIPT Act.

Mr. BLUMENTHAL. Mr. President.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object, I think we have gone a little bit far afield from the six pro-democracy activists living abroad.

Mr. CRUZ. If the Senator from Connecticut—I have not yet yielded the floor. I am about to ask unanimous consent, so—

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 3835 and the Senate proceed to its immediate consideration; further, that this bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BLUMENTHAL. Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, reserving the right to object on the SCRIPT Act, which I understand is the only measure so far on which the Senator from Texas is seeking unanimous consent, very simply, he knows, I know, we all know that measure will never reach the President's desk. There is simply no way it can pass both Houses of Congress in the next few days before the end of this Congress.

The only way we can do something for the freedom fighters and democracy

advocates in Communist China is to pass this measure that he has objected to, which has unanimously passed the House of Representatives. Only H.R. 8428 offers that opportunity, and frankly, only this measure that he has objected to does anything for the dissidents or the democracy advocates or the freedom fighters directly.

He is talking about movies; we are talking about human lives. He can draw all the kinds of hypothetical connections between the so-called movie moguls in Hollywood and China, but I think his SCRIPT Act actually works against the goal that he is advocating.

Censorship in China is a legitimate concern, no question about it, and I would welcome the opportunity to work with him on a bill that does something about it. But actually his bill not only takes away the support for the movies that may be made; it takes away support for documentaries about the repressive regime in China, and it takes away classification and other security screening that are necessary for those kinds of movies to be shown in this country. I think that kind of obstacle may be inadvertent on his part. But I welcome the chance to work with him on a bipartisan bill, a truly bipartisan bill that, in fact, in the next Congress could reach the President's desk. This one that he is offering, the SCRIPT Act, goes nowhere.

But I just want to bring us back to the reality that really is at issue here. Just last Wednesday afternoon of this week, two of the activists among the six pro-democracy fighters living abroad, charged under China's new national security law, were before our committee. I am wondering what they are thinking when they hear my colleague from Texas pounding the table about being tough on China but objecting to a bill that guarantees them protection. As I say, I am talking about their lives and tens of thousands of others. I am not talking about movies. I am not talking about Hollywood moguls.

Let's stand up for the lives of those Chinese Hong Kong freedom fighters now in this country seeking protection through a bill passed unanimously by the House of Representatives—the only bill that will go to the President's desk if we approve it.

Thank you.

I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BLUMENTHAL. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Texas.

Mr. CRUZ. Three brief observations: No. 1, the Senator from Connecticut said multiple times that the House bill in question passed the House unanimously. I am sure this is inadvertent, but what the Senator from Connecticut said is simply wrong. It passed the House by voice vote, which is a very different thing from passing unanimously. It simply means the vote tally was not recorded.

Secondly, the Senator from Connecticut said the SCRIPT Act is not going to pass this Congress. Well, that appears to be correct, but that is for one reason and one reason only, which is the final two words uttered by the Senator from Connecticut: ''I object.''

Quite literally by doing nothing, quite literally by giving the identical speech he had just given and then closing his mouth before those final two words—had that occurred, the SCRIPT Act would have passed this body unanimously.

So the only reason the SCRIPT Act isn't passing is because the Senate Democrats are objecting. And it should not be lost on anybody that the Hollywood billionaires who are enriching themselves with this Chinese propaganda are among the biggest political donors to today's Democratic Party in the entire country.

The Senator from Connecticut said: Well, the SCRIPT Act might make it possible to have documentaries on the human rights abuses in China. Oh, really. That argument staggers the mind. It so defies reality because—you know what—Hollywood doesn't make movies about the human rights abuses in China.

Earlier this year, I had the opportunity to meet Richard Gear. Now, Richard Gear is not someone you would ordinarily imagine palling around with a conservative Republican from Texas, but Richard Gear was up here. He was up here actually standing up against Chinese abuses and urging anyone who would listen—Republican or Democrat—to stand with him.

Do you know Richard Gear has not made a single major Hollywood movie in a decade? Why? Because he dared stand with Tibet, and the Hollywood billionaires blackballed Richard Gear. If you speak out for Tibet, if you do what the Senator from Connecticut just suggested and discuss the Chinese human rights abuses—it doesn't matter that Richard Gear used to be an A-list Hollywood blockbuster actor—boom—his career is dead because no studio will produce a movie with him because he spoke the truth.

By the way, my bill presents zero barriers to someone actually making a documentary on the human rights abuses in China because, presumably, if you are making that documentary, you wouldn't allow the Chinese Communist Government to censor it.

I don't know what kind of documentaries the Senator from Connecticut is familiar with, but I am not familiar with documentaries done on tyrants and concentration camps where you let the concentration camp guards edit out the stuff they don't like. That ain't a documentary.

The Senator from Connecticut said perhaps we can work together in a bipartisan manner to address this. I hope so. Standing together against the oppression of the Chinese Communists would be a very good thing for the U.S. Senate. It would be a very good thing for our country. Unfortunately, at least today, that hasn't yet happened.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, the only ones happy with the outcome of today's debate are the Chinese Government. I regret this outcome because there probably was a time when we would have cooperated in a bipartisan way on both of these matters.

It may not have been unanimous. There may have been a few contrary votes in the House, but clearly it came here with bipartisan support, and I regret that the outcome today is not bipartisan agreement to protect those freedom fighters who came before the Judiciary Committee and who have risked their lives.

This issue is not going away. We will be back because, fortunately, the activists from Hong Kong will persist in their fight, and we ought to do everything we can to make sure they have a safe haven in this country and that they are protected here.

So my closing plea to my colleague from Texas is that maybe there remains time, even in this setting, but, if not, we need to take a stand as a nation against Chinese censorship, against repression by the Chinese, and come together and work together. I thank the chairman.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, the first thing I want to do is comment on the discussions we just had.

I have been up here a little less than 2 years, and the thing that surprises me is, invariably, the Democrats won't stand up against the Communist Party in China.

The case that we are dealing with now is they are going to stand up for Hollywood rather than rights, rights that we have here that I am going to talk about in a second.

We ought to be standing up against Communist China stealing our jobs, our technology. We ought to be attacking the Communist Party for what they have done to Uighurs, for organ harvesting, for taking away the basic rights of Hong Kong citizens.

Invariably, I watch my Democratic colleagues; they won't stand up against Communist China. I don't understand it. This is a party that clearly wants to dominate our society, our way of life. They completely disagree with our way of life.

I want to thank Senator TED CRUZ for his continued fight for rights, for all the rights that we have in this country but fighting for those rights so people, whether in Hong Kong or in Communist China or in Taiwan, have the same freedoms that we have.

So I want to thank Senator TED CRUZ for showing up today and doing this.

Mr. CRUZ. Thank you.

UNANIMOUS CONSENT REQUEST—S. RES. 806

Mr. SCOTT of Florida. Mr. President, today what I want to talk about is religious freedom. Religious liberty is our

first freedom under the Constitution of the United States. Americans have the right to freely exercise religion, a sacred right that I will always fight for.

There is no pandemic exception to the First Amendment. Unfortunately, we have seen liberal Governors and mayors across the country use the coronavirus pandemic to go after churches, synagogues, mosques, and other houses of worship. For months, they have argued that houses of worship should not meet and congregants could not sing. They have condemned in-person worship services as a threat to public safety, all while they applaud massive political protests.

We saw it happen right here in the Nation's Capital. Mayor Bowser refused to grant a waiver to the Capitol Hill Baptist Church for religious gatherings but supported mass protests that violated her own orders. The church had to sue the city in Federal court for the right to gather, and the court ruled in favor of the church.

It is simply hypocritical and unconstitutional to target religious institutions while letting other businesses operate. We know those on the left will take every opportunity to infringe on Americans' First Amendment rights, but we won't let it happen.

This year has been challenging, and for many of us, our faith and our communities have helped us through it. Government doesn't have the right to take this away from American citizens.

I am proud to lead a resolution today with 15 of my colleagues to call out those who have wrongly tried to prevent Americans from practicing their faith. This is about rights granted to Americans under our Constitution.

What is the one thing every American believes in and has agreed to uphold. It is our Constitution, which we have each sworn to uphold as elected officials also.

We each took the same oath of office:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

There is no reason anyone should object to upholding our Constitution. I will always fight for the religious liberty of all Americans, and I look forward to my colleagues passing this important resolution today.

However, I now am going to wait because I understand one of my Democratic colleagues is going to come object to upholding the Constitution and the First Amendment, the Bill of Rights. This is shocking to me.

As if in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 806, submitted earlier today; further, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, reserving the right to object, my colleague Senator SCOTT has chosen an interesting point in this pandemic to object to public safety measures intended to protect human life and ensure scarce resources are not squandered.

Over 17 million Americans—17 million—have contracted COVID, that we know of, and over 300,000 of our friends and our neighbors and loved ones are no longer with us. Think about that.

September 11 was a great national tragedy. I know because I lost 700 of those 3,000 citizens, on that fateful day, from New Jersey. This is 100 times more than what happened on September 11.

The people we have lost are not just some nameless numbers but mothers and fathers and grandparents. Essential parts of our hearts are gone forever due to a pandemic that has been mishandled and mismanaged from the start. And now, when this virus is running unchecked through our communities, we have before us this resolution that is riddled with misstatements of fact that I find deeply concerning.

No Governor wants to see their constituents cut off from their daily lives, and I think we can all agree that the administration here in Washington—their inability to guide us through this crisis—has left our Governors holding the bag when it comes to securing resources, providing guidance, and making the difficult calls about the right public policy to prevent COVID–19 from rampaging like an unchecked bull in a China shop through our States because they know, the Governors of our States, that the lives of their residents—our neighbors, brothers, sisters, children, and parents—rest in their hands and these difficult decisions they must make.

We are still losing Americans from COVID–19 at an unprecedented rate. Hospitals throughout the country are providing an amazing level of care with exhausted providers and continued resource issues. And our economy is cratering because we cannot fully reopen it until it is safe.

I am deeply troubled to see a false claim about my State and the Governor banning indoor religious services. Let me be clear, houses of worship were never ordered closed—never. In fact, today, religious gatherings are allowed to have substantially higher capacity limits than most other gatherings.

While New Jersey restricted the capacity of indoor religious services, as they did with all indoor gatherings, religious gatherings were never—never—designated as nonessential or essential, as this resolution suggests. That distinction was only applied to retail businesses.

Perhaps religion is different in Florida, but our houses of worship are not retail businesses. Houses of worship and religious organizations have been subject to neutral restrictions that equally burden religious and nonreligious entities. They were put in place to do what? To save lives, not under the guise of doing so and certainly not for the purpose of targeting religious groups.

I am a man of strong faith and conviction. I have always found deep solace in the rituals and shared worship of my church. I know many of us have. But perhaps the most important part of my faith is the duty, the responsibility to care for my neighbors up and down the State of New Jersey and all across the Nation. Our faith calls us to ensure the health and safety of this Nation before all else.

As a matter of fact, I am reminded of a passage in the Bible of James 2:14. It says:

> What good is it, my brothers and sisters, if you say you have faith but do not have works? Can faith save you? If a brother or sister is naked and lacks daily food, and one of you says to them, ''Go in peace; keep warm and get your fill,'' and yet you do not supply their bodily needs, what is the good of that? So faith by itself, if it has no works, is dead. But someone will say, ''You have faith and I have works.'' Show me your faith apart from your works, and I by my works will show you my faith.

As for me, I will continue to work for the people of New Jersey, our healthcare workers struggling to care for the thousands filling ICU hospital beds, for the families who don't know how they will pay next month's rent and keep food on the table, for the small business owner trying to keep his doors open, and, yes, for the churches that want the see their parishioners safe. I, however, do not intend to play these partisan games. For those reasons, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, freedom of religion shouldn't be controversial. This is a fundamental right of our Nation, as stated in our Constitution: ''Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof.''

What this resolution says is that the Senate affirms its support for the rights, liberties, and protections enshrined in the U.S. Constitution.

There is no pandemic exception to the First Amendment. For months, across this country, liberal politicians have targeted churches, synagogues, mosques, and other houses of worship. To let this happen undermines the principle of our Nation and the Constitution we have each sworn to uphold as elected officials. I don't understand why my colleague, who swore to uphold the Constitution, would object to a resolution that simply reaffirms our commitment to upholding the Constitution.

We are blessed to live in a great nation that respects religious liberty and

the right to worship, especially as we see countries around the world like Communist China and Iran deny their citizens these same rights. Americans have the right to worship, and government doesn't get to decide for them.

I am clearly very disappointed that my colleague doesn't want to protect the First Amendment, but I will continue to stand against these misguided and hypocritical attempts to target religious institutions. I am never going to stop fighting for the religious liberty of all Americans, even during a pandemic.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know that my colleague, I understand, is going to be the next chair of the Republican Senatorial Campaign Committee, and he has every right to do that, but what he has no right to do is misrepresent in this resolution what, at least in my State, is going on.

You cannot say that churches were designated by the State of New Jersey as nonessential or essential. That simply is not true. It is simply not true. You cannot suggest that somehow these purposes are to target religions. They are to save lives.

Now, maybe if my colleague and others here had spoken up when the administration was asleep at the switch as this pandemic was raging, maybe if my colleagues had spoken up when we found out that the President knew back in January, early February of this year, of how vicious this pandemic could be, how contagious it could be, how it was transmitted, but said nothing to the American people—and that silence was echoed in this Chamber—well, maybe then we wouldn't in the position that we are in. Maybe we wouldn't have lost 300,000 of our fellow Americans.

So I find it really, really upsetting that, in the midst of a raging pandemic, one would seek to obtain a political value out of something that is simply not the case—simply not the case. I think there is a lot more to be done in this Chamber to stop this pandemic, to stop more lives from being lost, to save our brothers and sisters, to help those who have been ravaged by the pandemic, but not to pick a few States that happen to be Democratic—please.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT. So if my colleague from New Jersey's concern is the paragraph numbered 4 on page 3, I would ask him if he would object if we just take that paragraph out and then he would be willing to affirm that the Senate believes in religious freedom.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. The resolution is replete with inaccuracies, and, therefore, I will continue to object.

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Let's remember, the concern was that he didn't like the section about New Jersey and said that was inaccurate, but the idea that the Senate will support religious freedom, he is not willing to stand behind.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Michigan.

CORONAVIRUS

Ms. STABENOW. Mr. President, we truly don't have any time to waste. The American people are in desperate need of help. And I want to start by thanking all of my colleagues who have been working so hard together across the aisle to bring us to a point where we can actually provide some help, albeit temporary, to the American people. So, thank you, and I am pleased to have been involved in elements of that negotiation and appreciate it.

But we are stuck right now, and I just want to remind people of a few numbers. More than one in three American adults in a recent survey said they are struggling to pay household expenses, including rent and mortgage. If we don't get something done in the next hours or days, we are going to see thousands of people in Michigan lose their homes in the middle of the winter.

There are 7.8 million Americans who have fallen into poverty since June—7.8 million people have fallen into poverty since June. The number of people applying for unemployment keeps rising. There were 885,000 people who filed initial claims last week, and thousands and thousands and thousands of people who are self-employed, who are contract workers, and others, will find themselves with zero support right after Christmas, unless we take action.

A recent survey found that one in four small businesses are in danger of closing if the economic conditions don't improve—one out of four. I have talked to so many friends, so many people in Michigan, vibrant small businesses—they put it all on the line for that business they always wanted to have—and now they are barely holding on. They need help, and they needed help before now. They need help now. They are waiting and waiting and waiting and holding their breath.

Up to 50 million Americans are struggling to feed their families right now. One out of four American households have experienced food insecurity in this last year—so one out of four households. People who volunteer at the food bank and people who have always contributed to the food bank now find themselves waiting in their car for hours and hours for a box of food in the United States of America. We not only have a health pandemic; we have a hunger crisis going on, and people need help now.

On top of that, this past Wednesday, 3,638 Americans died in 1 day of coronavirus, and we are now looking at government services shutting down in less than 12 hours—the backdrop of everything that is happening for Americans. And despite all the good work that has been going on, on a bipartisan basis, we are now looking at less than 12 hours of services for people and to our country shutting down.

And why? Because my colleague, the Republican Senator from Pennsylvania, thinks it is more important to take away the Federal Government's ability to help people and help businesses and create jobs than it is to actually help people. Now, I want to say, Senator TOOMEY and I had a wonderful hearing this week in our HELP Subcommittee on Finance, of which he chairs, and we have been working together doing really important, meaningful things on Alzheimer's disease, and I very much enjoyed doing that. But on this issue—on this issue, at this time, with so many people in pain and so much hardship at this moment—I don't understand when he said that preventing the next Treasury Secretary and the Federal Reserve from relaunching the emergency credit facilities that support manufacturers and other job providers is ''the most important thing'' in this COVID–19 package. Really? Really? The most important thing in this package is to take away the tools of the Treasury and the Federal Reserve that have been used when we are in crisis, and we need to be a backstop for our businesses in the credit market, when we need to be supporting job providers and jobs? Really? Really? That is the most important thing?

Tell that to a mom who is afraid her kids will end up on the street because she can't pay her rent in January, which is what, 2 weeks away. Tell that to the small business owner who is having to lay off their entire staff a week before Christmas. Tell that to a senior citizen who is risking his health by waiting in an hours-long line to get a box of food. Tell that to the healthcare workers who are literally putting their lives on the line right now fighting this pandemic.

Really? Taking away economic tools from the Treasury and the Fed are more important than people in our country? Small businesses? Farmers, who have been hanging on? Really?

Tell that to the thousands of American families who are preparing for their first holiday without loved ones who have been lost to the virus. Just yesterday, another loss in Michigan—so many losses, thousands of losses—but a dear friend, a sheriff of Wayne County, Benny Napoleon, his family, today, a funeral for a friend as well in Detroit.

So the most important thing is not supporting families, is not helping people at least get through the winter, at least get through the next several months to put food on the table and a roof over their heads and help their businesses and make sure the vaccines can be distributed and support our healthcare workers and put money into education and all the other things that are needed right now—the most important thing is to have a fight with the

Treasury and the Fed because you want to limit what they can do in terms of their powers to help people and to help businesses in a crisis.

Our Nation is in a crisis, and we would be in an even deeper crisis right now if it weren't for the Federal Reserve. The Federal Reserve stepped in early during the crisis. Under the current administration, I might add, where nobody was suggesting that we provide these kinds of amendments or restrictions then—under the current administration, under the Trump administration, I didn't hear that debate. Maybe I missed it, but I didn't hear that debate. But thank goodness we didn't have a debate because they stepped in early, taking extraordinary measures to keep credit from freezing up for our businesses. This is the money that businesses use to provide services and keep people employed.

And I have to say, as someone coming from a major manufacturing State like Pennsylvania, like Ohio, like Indiana, like Wisconsin, that having the capacity for the Fed to step in and provide some confidence in the marketplace so that our auto suppliers and our other manufacturers could get what they needed in terms of the credit, it was critical to jobs—thousands and thousands and thousands and thousands of jobs.

The emergency powers that the Federal Reserve passed were put in place during the 2008 financial crisis so that the Fed could respond quickly to the next crisis. Well, here we are in the next crisis. The crisis is all around us, and yet some are laser-focused on taking away the Fed's ability to respond in the future with a new President—not the current sitting President but a future President. This is like a fire department selling off their fire trucks while houses down the street are burning.

Now, 2020 has been brutal—really brutal—on families and businesses and communities across the country. And this crisis is not over. I really wish it was. I mean, we have hope because of the vaccines and more effective testing and so on, but this isn't over, and things could get worse in 2021 if we sabotage the very things that helped us this year. If this is how you are setting up a new President to not have the tools to make the economy better, what does that say about what people care about—the people we represent? Because, ultimately, it is about people losing their jobs; it is about businesses. This is more than just about cross-partisan politics.

My friend Senator SCHATZ, who has a way with words, on Twitter, put it this way:

> We almost have a bipartisan COVID package, but at the last minute Republicans are making a demand that WAS NEVER MENTIONED AS KEY TO THE NEGOTIATIONS. They want to block the FED from helping the economy under Biden. It's the reason we don't have a deal.

Is that really the reason we don't have a deal to help people in our country right now? Just cross-partisan politics wanting to set up a way for the next President to fail? Because when colleagues take away tools that a President—any President—and the Federal Reserve have to boost the economy and prevent economic collapses, they are saying they care more about that cross-political fight—make sure somebody looks bad and make sure somebody fails—rather than caring about the people we represent who create the jobs, the businesses, large and small, and the people who have those jobs and the people who need those jobs.

Michigan is the proud home to so many small- and medium-sized manufacturing businesses that employ thousands of people. I know there are those same businesses across the country, including the State of Pennsylvania, where my colleague is advocating for this.

I would urge—strongly urge—at this moment in time, at the end of what has been such a horrible, difficult year for Americans, I would urge my colleague from Pennsylvania and any others supporting him to try stop trying to undermine American jobs and our ability as a country to respond to the economic crisis that is still happening. Let's stop stalling. We need to do our jobs to keep our military going and healthcare and education and transportation and all the other critical services that the Federal Government funds. And we need to pass this critical COVID legislation today and give the American people the help they need and the help they deserve to survive the next few months of this health and economic crisis.

A wonderful bipartisan effort brought us to this moment where we can provide a critical lifeline to Americans across our country.

It would be a tragedy and an outrage if efforts to undermine our economy and the success of our incoming President stop this urgent help from being passed. We need to get this done now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS CONSENT REQUEST—S. 5063

Mr. SANDERS. Mr. President, this country faces the worst set of public health and economic crises that we have faced in over 100 years.

As a result of the pandemic, more people than ever before are becoming infected, right now. Hospitalization is higher than it has ever been before, right now. And more people are dying than ever before, literally day after day.

Now, we all hope and pray that the new vaccine will be distributed as quickly as possible and that it will put an end to this nightmare. But, today, the truth is that millions of low-income and middle-class families are suffering in a way that they have not suffered since the Great Depression of the 1930s.

Today, the reality is that over half of our workers are living paycheck to paycheck, trying to survive on a starvation wage of 10 or 12 bucks an hour. The reality is that millions of our senior citizens are trapped in their homes, unable to see their kids or their grandchildren, unable to go to a grocery store, and many of them are trying to get by on $12,000-, $14,000-a-year Social Security and scared that they may come down with the virus and die.

In addition, millions more with disabilities are suffering. Further, in our country today, one out of four workers is either unemployed or makes less than $20,000 a year. And in the midst of this pandemic, because we are the only major country on Earth not to guarantee healthcare to all people as a right—in the midst of this pandemic, the worst healthcare crisis in 100 years, over 90 million Americans are uninsured or underinsured and unable to go to a doctor when they need to.

Further, we have the worst eviction crisis in modern history. Some 30 million families worry that because they cannot pay their rent, they may end up out on the street.

That is where we are today economically, and if this country means anything—if democracy means anything, if the U.S. Government means anything—it means that we cannot turn our backs on this suffering, not in Vermont, not in Wisconsin, not in New York, not in any State in this country where people are hurting in an unprecedented way.

It means that we cannot leave Washington, as Senators, for the holidays to go back to our families unless we address the pain and anxiety of other families throughout this country.

Mr. SCHUMER. Would my colleague from Vermont yield for some support for his amendment?

Mr. SANDERS. I would be happy to yield to the minority leader.

Mr. SCHUMER. I will speak briefly. And I thank my colleague.

I join my friend Senator SANDERS to support his amendment to give $1,200 in direct financial support to the American people in the yearend emergency relief bill.

Now, this effort should not subtract from any other program already in the bill, like enhanced unemployment, aid to small businesses, education, healthcare, or any other provision. We don't need to offset the cost or cut from elsewhere in the bill to make sure the stimulus checks are $1,200 for each adult and then money for children and others, as he will elaborate. Much of the money will go back into the economy anyway.

The reason for the amendment is simple. Over the course of this pandemic, working Americans have taken it on the chin. Millions have lost their jobs through no fault of their own. Twenty-six million have had trouble putting food on the table in the last 5 weeks, bread lines stretching down American highways. Twelve million Americans will owe an average of $6,000 in rent and mortgage payments. So we have an opportunity in this emergency

relief bill to give financial aid directly—directly to those Americans. It could mean the difference between Americans paying the rent or not, affording groceries or not, the difference between hanging on until the vaccine helps our country get back to normal.

Now, the only objection we have heard is that this will add too much to the deficit. That is why a Republican Senator rejected a similar request earlier today—to push a baseless agenda of austerity. Please.

By now, Republican objections over the debt and deficit are comical. They added $2 trillion to the debt with a massive tax cut for corporations and the wealthy, and that was during a steady economy. But now the economy is on life support. Americans are queuing up on bread lines and filing for unemployment. Just as a Democratic President is about to take office, all of the sudden the deficit scolds are back.

It is ludicrous. Chairman Powell—hardly a big liberal—of the Federal Reserve insisted: ''The risk of overdoing it is less than the risk of underdoing it.''

The quickest way to get money into the pockets of the American people is to send some of their tax dollars right back where they came from. So let's step up to the plate and deliver the $1,200 survival checks to millions of Americans before the holidays.

I support Senator SANDERS' request fully and hope the Senate will consent.

I yield back.

Mr. SANDERS. Let me thank the senior Senator from New York, the Democratic leader, for his strong statement. He is exactly right. In this kind of crisis, it is comical that suddenly our Republican friends, once again, discover that we have a deficit. This is a moment of emergency—of emergency—and we have to respond to the needs of working families. And I thank Senator SCHUMER for his strong support for this legislation.

Members of Congress should also be aware that we are far behind other major countries in terms of protecting working families during this pandemic. Not only does every other wealthy country guarantee healthcare to all people as a human right, almost all of them are providing far more generous benefits to the unemployed and the struggling in their countries than we are doing in our country.

Several months ago, I introduced legislation, along with Senator KAMALA HARRIS—now our Vice President-elect—and Senator MARKEY that would, during the course of this economic crisis, provide $2,000 a month—$2,000 a month—to every working-class person in this country. And, frankly, that is exactly what we should be doing. But, unfortunately, given the conservative nature of the Senate, I understand that is not going to happen.

Yet, at a time of massive income and wealth inequality, as Senator SCHUMER just indicated, at a time when huge corporations were making record-breaking profits, the Republican leadership here in the Senate was able to provide over $1 trillion in tax breaks to the 1 percent and large corporations.

Yes, at a time when climate change—yes, climate change is real—threatens the entire planet, this Congress was able to provide hundreds of billions of dollars in corporate welfare to the oil companies and the gas companies and the coal companies that are exacerbating the climate crisis.

Yes, just the other day, here in the Senate and in the House, legislation was passed which would provide $740 billion to the military—the largest military budget in history, more than the next 10 nations combined. We spend more on the military than the next 10 nations combined.

So we could do all of those things—tax breaks for billionaires, massive corporate welfare, huge military expenditures—but in the midst of the worst economic meltdown since the Great Depression, somehow Congress is unable to respond effectively to the needs of working families.

As the Presiding Officer may know, I have recently introduced legislation to provide every working-class American an emergency payment of at least $1,200, which is $2,400 for a couple and $500 for each of their children.

This is not a radical idea. This is an idea that is supported by President Donald Trump. It is an idea that is supported by President-Elect Joe Biden. It is an idea, by the way, that according to a recent poll, is supported by 75 percent of all Americans, including 77 percent of Democrats and 72 percent of Republicans.

Further, importantly, this amount of direct payment is exactly what Congress passed unanimously 9 months ago as part of the $2.2 trillion CARES Act. Let me repeat. In March, every Member of the House and Senate, appropriately, including myself, voted to provide a direct payment of $1,200 for working-class adults, $2,400 for couples, and $500 for their kids.

That was the right thing to do 9 months ago. And given the fact that the crisis today is, in many respects, worse than it was 9 months ago, that is exactly what we should be doing right now.

As a result of the pandemic, the government told restaurants, bars, retail stores, movie theaters, schools, malls, small businesses all over this country: Shut your doors. It is too dangerous for you to be open now. And they did that because that is what the public health experts said was the right thing to do in order to control this horrific pandemic.

But what the government has not done is provide the workers who lost their jobs and lost their incomes as a result of those shutdowns with the help that they need in order to pay their bills and to survive economically.

The $600 a week in supplemental unemployment benefits that Congress passed unanimously in March expired in July—over 5 months ago—and during that time, the Republican Senate has done nothing to help working families pay their rent, feed their children, go to a doctor, or pay for the lifesaving prescription drugs they need. And the Senate has not done anywhere near enough to provide help for the struggling small businesses in Vermont and all across this country that are desperately trying to stay afloat.

Further, as bad as the economy has been in general, it has been far worse for African Americans and Latinos. During the pandemic, nearly 60 percent of Latino families and 55 percent of African-American families have either experienced a job loss or a cut in pay.

For 9 months, we have asked tens of millions of working people in this country to survive on one $1,200 check, with no help for healthcare, no support for hazard pay, no assistance for rent relief—absolutely nothing. Meanwhile, I should mention that over the same 9-month period, 651 billionaires in the United States became over $1 trillion richer. A trillion dollars in increased wealth for the very richest people in our country and one $1,200 check for tens of millions of Americans desperately trying to survive. That is unconscionable, that is immoral, and that has to change.

Now, let us recall that way back in May, the House of Representatives passed the $3.4 trillion Heroes Act, which, among other things, included $600 a week in supplemental unemployment benefits; another direct payment of $1,200 for working-class adults and $500 for their kids; and generous support for small businesses, hospitals, education facilities, and State and local government. In other words, the House passed a $3.4 trillion bill that was, in fact, a very serious effort to address the enormous crises facing our country.

I should also add that in July, several months later, the House passed another version of the bill, so-called Heroes 2, and this legislation was for $2.2 trillion.

That same month, in July, Senate Majority Leader MITCH MCCONNELL proposed a $1.1 trillion bill that also provided a $1,200 direct payment for working-class adults and $500 for their kids. Then, in October, Secretary Mnuchin, in negotiations with Speaker PELOSI, proposed a COVID relief plan for $1.8 trillion. That is Mnuchin representing the Trump administration.

So in the last number of months, we have had major proposals of $3.4 trillion, $2.2 trillion, $1.8 trillion, and from Majority Leader MCCONNELL, $1.1 trillion. Yet today, right now, after months of negotiating by the so-called Gang of 8, we are now down to just $908 billion in legislation, and that includes $560 billion in offsets, in unused money, from the CARES Act.

So what we are talking about now is going from an original House bill passed in May calling for $3.4 trillion in new money, down to today $348 billion

in new money—roughly 10 percent of what Democrats thought was originally needed. In my view, the $348 billion in new money that is included in the proposal now being discussed is totally inadequate given the nature of the unprecedented crises that we face.

The American people cannot wait any longer. They need economic relief right now. Their kids are going hungry. They are being evicted from their homes. They can't go to the doctor. They need help, and they need it now. Every working-class American needs $1,200 at least, $2,400 for couples, and $500 for children.

Let me be clear to emphasize a point that Senator SCHUMER made, and that is, what I am talking about now is money that must not be taken from other important priorities like 16 weeks of supplemental unemployment benefits; aid for small business, nutrition, housing, education; and the other important provisions in this bill. We need adequate funding to address the unprecedented crises that we face. We should not and cannot and must not take from Peter to pay Paul. We cannot cut unemployment benefits in order to help small business. We have to do it all, right now.

So, Madam President, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 5063, which I introduced earlier today, which would provide a $1,200 direct payment to every working-class adult, $2,400 for couples, and $500 for their children; and that the bill be considered read three times and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Ms. MURKOWSKI). Is there objection?

The Senator from Wisconsin.

Mr. JOHNSON. Reserving the right to object, the Senator from Vermont made a couple of statements that I would just like to repeat the words: that we are in a crisis; this is an emergency; we can't turn our backs on the suffering.

I agree. I have agreed for months. But he also said something that is completely incorrect. You might call it a lie. He said that Republicans have done nothing. That is not true.

I was on daily calls during the August recess after we had attempted and were debating internally a trillion-dollar package at the tail end of July before the August recess, recognizing—and I was one of the ones pointing out—the fact that we had already passed, as the good Senator from Vermont said, over $3 trillion in four different COVID relief financial packages early in the pandemic. At that point in time, there was $1.2 trillion of that unspent. A big chunk of that wasn't even obligated. Today, as we stand here debating this now, we still have a little under $600 billion unspent and unobligated.

So the point I was making to my Republican colleagues during those last few weeks in July and those conference calls in August was, before we authorize any more money, before we further mortgage our children's future, why don't we first repurpose and redirect what we already passed because what we passed, we passed very quickly because we had to. We had to do something massively, and we did something massively so that markets wouldn't seize, so that the people—the individuals who were out of work through no fault of their own and the businesses that were shut down through no fault of their own could get financial relief.

So we came together unanimously, and we did that, but doing it fast, doing it massively—I certainly knew it was going to be far from perfect. We found out the Federal Government actually has a hard time spending $3 trillion because, over the course of a number of months, they didn't spend it all. They couldn't even obligate it.

So what Republicans did during the August recess—because we couldn't come to an agreement by the end of July—was we worked long and hard on a targeted bill, more than $600 billion, $300-plus of it for people on unemployment, $260 billion for small businesses, $100 billion for education, and tens of billions of dollars for vaccines and testing and agriculture and childcare. We offered that on the floor, and 52 Republicans voted to proceed to that bill. Democrats just said no.

I felt it was a crisis, an emergency, and we shouldn't have been turning our backs on these people who are suffering in September. Democrats said no. All they had to do was say yes. They couldn't take yes for an answer.

Madam President, I often use this analogy: I go up to you, because I know you are a generous person, and say: Madam President, give me 200 bucks. And you kind of look at me with a little shock and say: Well, I won't give you 200, but I will give you 100. Then I go stomping off and say: No; it is $200 or nothing.

That is what the Democrats did to over $600 billion in needed and necessary relief for the crisis, for the emergency, for the people we don't want to turn our backs on because they are suffering. If they were really serious and they actually wanted a result, if they wanted to relieve the suffering, wouldn't the logical thing have been to say yes, take $600 billion, pocket it, get that relief flowing in September, and then come back and argue for more? But they said no. They were cynical. They played politics with it. And that is what they are doing here today.

I am sure, to paraphrase a widely known saying, that the road to total national bankruptcy is paved with good intentions. I am sure that is true. I don't question the good intentions of any Member of this body. We all want to provide the relief. We all want to relieve suffering. We all want to help fellow Americans who are hurting through no fault of their own.

But we talk about suffering. We use words. We don't look at numbers very often. The Senator from Vermont has offered a few numbers, but let me quote a couple. Let me just kind of lay it out. I didn't have enough time to do a chart, so I will try and go through this slowly, but I think it is important to put this all in perspective.

Prior to the COVID recession, we had a record number of Americans employed at the end of December 2019. Just under 159 million Americans were employed. By April, 2 months into the pandemic, 3 months into the pandemic, employment had dropped to 133 million. That is a loss of over 25 million jobs—25 million—which is why we acted, why we acted in a bipartisan fashion to provide relief for those people—25 million—who had lost their jobs.

Now, the good news: It is hard to keep the American economy down when you don't overtax, when you don't overregulate. So in November—the latest figures we have—there are now just shy of 150 million Americans employed again. I realize some are underemployed, but still you have 150 million Americans employed—down about 9 million jobs from that record high when unemployment was only 3.5 percent. We had a record economy because we stopped overregulating and we had a competitive tax system. Now the unemployment rate is 6.7 percent.

In the CARES Act, which I supported because I want to help people, part of that was the economic impact payments—basically what the Senator from Vermont is proposing here in this bill he wants to pass by unanimous consent. It spent $274 billion. It was paid to just under 166 million Americans, for an average check of about $1,673 per person.

You can break that down into households because, according to the Federal Reserve Bank of New York, the average check per household was $2,400. That is 115 million households that got a check—115 million. Now, remember, at the low point, 25 million Americans had lost their jobs. We sent checks to 115 million households—4½ times the number of people who had lost their jobs.

My problem with the CARES Act, with the first four packages, is it was a shotgun approach. We just spent money. We just opened up the spigot, and we just sent it all over the place. We didn't have time to target it to those who really needed it. As a result—and we are seeing today—businesses that needed it, business owners, small business owners, have been wiped out of their life savings. They didn't get relief.

It wasn't well designed. It wasn't well targeted. And we probably spent hundreds of billions of dollars and sent it to people who didn't need it.

We are $27.4 trillion in debt today. That is 128 percent of the size of last year's economy. If this bipartisan deal goes through, about $1 trillion, we will be at $28.4 trillion in debt—132 percent of our GDP.

I remember the good old days when I first got here. I ran because we were mortgaging our kids' future. We were a little over $14 trillion in debt, and when the economy was over $15 trillion, we were under 100 percent debt-to-GDP ratio.

What the Senator from Vermont is proposing is basically duplicating, without any reforms that I know of, those economic impact payments from the CARES Act, another $275 billion, for a total of $550 billion—a half a trillion dollars sent out again to 115 million households when right now we have only—not ''only,'' this is tragic. Every job lost is a tragedy. But we have 9 million jobs less than we had when we had a record level of employment before the recession—9 million jobs lost, 115 million households. That is 12.6 times the number of jobs that have been lost.

I think the question needs to be, if we are going do this again, is there any sense, any information in terms of how the $275 billion is spent? Well, we have an answer from the Federal Reserve Bank of New York. They do a monthly internet-based survey called the Survey of Consumer Expectation. They did two special surveys, one in June and one in August. The June survey took a look at how those households spent the $2,400 checks. Here are the results: 18 percent of those checks were spent on essential consumption—essential; 8 percent was on nonessential, the fun stuff, I guess; 3 percent on donations—Americans are still generous—for a total of 29 percent spent on consumption. The marginal propensity to consume was 29 percent. For the remainder, 71 percent, half of it was put to savings—spent on increasing savings—and the other half was paying off debt.

They also studied how the unemployment plus-up was spent. It had pretty similar results: 24 percent of those dollars went for essential consumer goods; 4 percent, non-essential; 1 percent, donations. Again, a total of 29 percent was consumed; 71 percent was either saved or used for debt reduction.

They did another special survey in August, asking those same 1,300 households that they surveyed: How would you spend a $1,500 check? Not $2,400—$1,500. The response was that 14 percent would be spent on essential items, 7 percent on nonessential, 3 percent on donations. But only 24 percent of a new check would actually be spent on consumption; 76 percent would either be saved or pay off debt.

That is not very good economic stimulus. Again, the numbers are without any reforms, without trying to target the dollars to people who really need it. I would want to do that. I would like to work with anybody to try and get that relief flowing as quickly as possible to get it to the individuals who need it. I am sure the need is still great. It is greater than 9 million. I understand that. But let's look at some figures.

I do want to point out a past stimulus in terms of its effectiveness. In 2009, we had the great recession. Let me quote some employment figures from that.

In January 2008, we had 146 million Americans employed. Remember, today we have 149 million. Our record was 159 million, but there were about 146 million before the great recession.

By December 2009, it had dropped, hit the low point of 138 million people working; 8 million people had lost their jobs.

In January, 2009, President Obama was inaugurated, had total control of government, a filibuster-proof Senate, control of the House. He could pass anything he wanted, and they did. They passed the $787 billion American Recovery and Reinvestment Act of 2009. They did that in February 2009. At that point, there were 141.6 million Americans working—141.6 million Americans. The unemployment rate was 8.3 percent. Again, throughout 2009, that stimulus didn't work too well because unemployment fell to 138 million Americans. It took 3 years—3 years—until January 2012, because of overregulation and overtaxation, to return to February 2009 levels of 141.6 million Americans working—3 years. That is what we call a slow, nonexistent recovery.

Oh, a quick aside: The Senator from Vermont is talking about how we need the $600 plus-up for the unemployed because they are suffering. President Obama, with Speaker PELOSI and Majority Leader Reid, with a filibuster-proof Senate—they provided a $25-per-week plus-up to State unemployment when they had total control. Now they are demanding $600. I know that is not part of what the Senator from Vermont is asking for in terms of a unanimous consent request. I thought it was just somewhat noteworthy.

Again, I am not heartless. I want to help people. I voted to help people. I voted for the $2.2 trillion CARES Act, but I also am concerned about our children's future and the fact that we are mortgaging it. We do not have an unlimited checking account. We have to be concerned about these things.

My complaint about the Senator from Vermont's bill—and, quite honestly, the bipartisan effort—we have $600 billion unspent, unobligated. Let's work long and hard. Let's look at economic data. Let's target it properly. Let's not just shotgun it out to the economy again, wasting tens, if not hundreds of billions of dollars. Let's focus on that. Let's pretend it is like real money—like it is our money—and spend it well. We don't need to mortgage our children's future by another $300 or $400 billion. We don't need to do that.

We can alleviate suffering. We can help our fellow Americans. We could have done it in September, but the good Senator from Vermont and all of his colleagues on the Democratic side simply won't take yes for an answer, and my guess is, they are taking that same stance today. So, Madam President, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Vermont.

Mr. SANDERS. Madam President, the Senator from Wisconsin talks about Democrats not taking yes for an answer. Let me tell you what we did not take for an answer. We did not take for an answer the Republican bill, which did not have a nickel for unemployment benefits. We did not take yes for an answer for a bill that did not have a nickel for direct payments.

The Senator from Wisconsin talks about the deficit. Yet the Senator from Wisconsin voted for over $1 trillion in tax breaks for billionaires and large, profitable corporations. That is OK.

The Senator from Wisconsin voted for a bloated military budget, $740 billion. That is OK.

The Senator from Wisconsin supports hundreds and hundreds of billions of dollars in corporate welfare. The Senator from Wisconsin threw out some numbers. Let me throw out some other numbers. Half of the people in this country are living paycheck to paycheck. Millions of workers are trying to survive on starvation wages of 10 or 12 bucks an hour. Ninety million people are uninsured or underinsured, can't afford to go to a doctor. Nineteen million families are spending half of their limited incomes on housing.

Today, we have the most severe hunger crisis in America that we have had in decades. Children in this country are going hungry while half a million people are homeless and many millions more fear eviction.

Today, as a result of the pandemic, not only do we have the worst healthcare crisis in 100 years but the worst economic crisis since the Great Depression.

I say to my colleague from Wisconsin, yes—I will not support proposals that do not provide a nickel in unemployment benefits, not a nickel in direct relief to tens of millions of low-income and middle-income families.

I would hope very much that this Congress appreciates the pain that is out there and that instead of worrying about tax breaks for billionaires or corporate welfare, let's pay attention to the needs of working families, and let us pass legislation which includes $1,200 direct payments to working class families, as we did in the CARES Act, 500 bucks to their kids, and certainly not taking a nickel away from unemployment and the other important provisions that are currently being negotiated.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, to my colleague from Vermont, my understanding is that in a room somewhere near here right now, those negotiations are ongoing, and there certainly better be unemployment insurance. That was in our bipartisan framework that I worked with the Presiding Officer on. And there certainly better be not just an extension of the existing Federal assistance for self-employed workers and

gig economy workers and for those who are now benefiting from the Federal extension, the 13-week extension, but also additional funding. My understanding is direct payments are also in the mix.

I just wish they would get their work done. It has been 9 months since the CARES Act was done. I just hope we can figure out a way to get through the hurdles that remain. I have spent much of the day—as have my colleagues, I am sure—talking to colleagues, trying to figure out how to fix the last couple of issues that apparently are out there. But my hope is that even if it is not a perfect bill for me—and it won't be. I know it won't be. We spent 3 or 4 weeks working on legislation that is bipartisan that isn't what any of us would have crafted individually, but it provides that needed help right now. We need it both for the economic crisis that has been caused by this virus but also the healthcare crisis, which, unfortunately, is getting worse in my home State of Ohio and not better.

The vaccine is on its way. That is very exciting. I believe that the vaccine development and now the distribution are actually quite impressive. I think the administration deserves credit for that, as do so many hard-working scientists who have been sleeping in their offices, making sure that we have this vaccine available. But there is going to be a bridge here. There is a time period between now and March and April when it is not going to be readily available to everybody we represent. During that time period, we need a bridge. We have needed it for a while, so my hope is we will get that done tonight.

TRIBUTE TO TERESA SIMMS

Madam President, I also want to mention briefly, I just came in on the underground subway from the offices and ran into a woman who has spent 41 years working here for us—one of those selfless, hard-working employees of the United States Capitol. Her name is Teresa Simms. Many of you know Teresa. She always has a smile on her face. She is always optimistic. She always has a focus on providing the best service to all of us—staff, other employees, Members. She started in the cafeteria. She then went to the night cleaning crew, cleaning offices here in this place at night. And then she was promoted to being one of the drivers of the subway. For 41 years, again, she has done that job dutifully, with great commitment.

She is going to retire and spend more time with her family and, particularly, take care of her mom, who is ill. Tonight we want to offer our thanks and gratitude to her and our best wishes to her in retirement.

GOVERNMENT FUNDING

The other thing that is going on tonight—I will say, I guess it is obvious—is that we are about to hit the government shutdown time period again. I mean, we are only about 6½ half hours from another government shutdown. That is totally unacceptable. We should never have these shutdowns. They don't make any sense. By the way, to my Republican friends who think these shutdowns are good because you shut down a lot of government, and it seems like you would save money—we never save money. The taxpayers always pay more. You go back and provide backpay even for services that aren't provided.

I think we have to figure out a way, when we can't get our work done here—and that is why this is happening. We have not gotten our spending bills, appropriations done here. Therefore, we are facing a government shutdown again. At midnight, we turn into pumpkins. It means the government starts to get shut down.

By the way, it creates confusion and uncertainty for Federal workers, of course, who are wondering, are they going to have their job and are they going to get paid, but also confusion and uncertainty for a lot of citizens who are depending on the services that would otherwise be provided. It is so inefficient. If you believe in the efficiency of government and you believe in, you know, not wasting money, you shouldn't want these government shutdowns.

My hope is that we do pass a continuing resolution at least to kick us into the next couple of days so that we don't have a shutdown tonight. That would be such a disaster for so many people. And it could last a long time, by the way, as these shutdowns did over the last couple of years. It doesn't just mean it is a few days. Let's just not go into shutdown at all.

I have introduced legislation called End Government Shutdowns for 10 years now. I have introduced it in five different Congresses. We have 33 cosponsors. I think it has more cosponsors than any other bill like it, but there are other ideas out there, and I am open to them—just some way to get away from these shutdowns. Our bill says you just can't shut it down. When you are going for a shutdown, instead, you just do a continuing funding from the previous year. And then, by the way, over time, you reduce that by 1 percent every 90 days and every 60 days to get the attention of the appropriators to get them back to work. Other people have other ideas. Our bill has been bipartisan in the past. I don't believe it is today, but it does have 33 cosponsors.

My hope is that we can figure out a way to end these government shutdowns with simple legislation that says: Let's just not do it. I don't think it provides healthy leverage. I think it provides, again, uncertainty and confusion.

CYBER SECURITY

Madam President, 2020 has been a tough year, let's face it. And, unfortunately, it looks like the challenges haven't ended. I came to the floor tonight, primarily, to talk about some shocking and disturbing news we just heard over the last few days, and that is that there has been a massive, highly sophisticated, and ongoing cyber attack that has compromised the networks of multiple Federal agencies and the private sector.

According to reports, for months now—months—hackers—our intelligence experts think they are most likely connected with the Russian Government in some way. That is what they tell us. But these hackers have engaged in an espionage effort to access information in some of our biggest Federal agencies that hold some of our most sensitive data and our most sensitive and important national security secrets.

Also, again, many U.S. private companies were hacked, as well. These hackers are smart. They targeted some of these agencies that do handle things like national security—the State Department, for instance, the Department of Homeland Security, the Department of Energy and its Nuclear Security Administration.

This is scary stuff. Others, like the National Institutes of Health, were hacked. Of course, they are closely involved with our work to respond to the COVID–19 pandemic, so also a lot of important, sensitive information could have been hacked. They are a treasure trove of information. These are agencies that protect our homeland, promote our freedom abroad, and are on the frontlines battling this pandemic.

But what we know today may be just the tip of the iceberg, we are told. Experts expect the number of agencies as well as a number of private companies victimized by this attack will only continue to grow.

The main IT monitoring platform believed to have been hacked was used across the government and by 33,000 private companies. Shockingly, we also know that FireEye, the preeminent cyber incident response firm, was also breached. So think about this. FireEye, which is a company that people call when they are hacked, was hacked.

We are still learning the details about this attack, but what we know is chilling. Federal investigators from the Cybersecurity and Infrastructure Security Agency, CISA, under the Department of Homeland Security, the FBI, and also the Office of National Intelligence, the ODNI, are all working to determine how this happened, what the extent of it is.

But it looks like the main vulnerability was through a SolarWinds' platform, which is an IT monitoring platform widely, again, widely used by the government and the private sector to oversee the operation of other computer networks.

The hackers disguised their entry into these Federal agencies and company systems in a troubling and clever way. They exploited a vulnerability in a security patch sent out by SolarWinds to update its software. I want to emphasize that—the security patches that we all advocate to be installed as soon as possible to protect

our networks as basic good cyber hygiene was actually a security breach.

This technique and the breadth of this hack are both unprecedented, and it shows that the Federal Government is still far from where we need to be to handle the cyber security challenges of the 21st century.

As the Permanent Subcommittee on Investigations said in its investigation and report, these alarms that we have been raising over time are ones that we should have paid attention to. In 2019, last summer, Senator CARPER and I issued a shocking report that detailed the unacceptable cyber security vulnerabilities in the Federal Government—vulnerabilities that may very well have played a role in the extent of this breach.

Our report looked back at how well Federal agencies complied with basic cyber security standards over the past decade. Every agency we reviewed failed. And we know that four of those agencies—the Department of Homeland Security, the State Department, the Department of Agriculture, the Department of Health and Human Services—are among those that have been breached in this current cyber attack.

That report from the Permanent Subcommittee on Investigations made clear that Federal agencies were a target for cyber criminals and other nation-state adversaries. In 2017 alone, Federal agencies reported 35,277 cyber incidents. It is the most recent data we have—in 1 year. The number of cyber incidents in 2019 was a little bit less, 28,581. But 2020 will bring what is likely the biggest, most comprehensive breach across the Federal Government in our history.

We also found we are not equipped to handle this threat. Many of the agencies we reviewed didn't even know what applications and platforms were operating on its systems. That begs the question: How can you protect something if you don't even know what you need to protect?

If Federal agencies fail at meeting basic cyber standards, there is no way they are equipped to thwart the kind of sophisticated attack that apparently happened over the past several months. Here, the attackers were meticulous and had a detailed understanding of how to evade intrusion detection practices and technologies. And because the Federal agencies involved were unprepared, the attackers had ample time to cover their tracks, which means evaluating the extent of the damage and kicking them off our networks is going to be incredibly difficult and time-consuming.

Given how widespread this attack is and how much wider it is expected to become, it certainly seems like the Federal Government's current cyber resources are going to be spread incredibly thin.

Congress and the executive branch have failed to prioritize cyber security, and now we find ourselves vulnerable and exposed. We have to do better than this. This breach has to be a wake-up call for all of us.

Over the years, I have worked across the aisle with Senator PETERS, Senator CORNYN, Senator HASSAN, and others on legislation to beef up our Federal Government cyber capacities, including the Risk-Informed Spending for Cybersecurity Act, the Federal System Incident Response Act, and the DHS Cyber Hunt and Incident Response Team Act, and others. We are proud of this legislation.

Let's be honest. It wasn't enough. We need to do more. We need to not only defend our networks but go on the offense to defer a nation-state, like Russia, and nonstate actors from even considering a future attack like this. That means there needs to be consequences for cyber attacks significant enough to prevent them from happening again and a willingness to act preemptively when warranted.

Congress has to take a hard look at the cyber security capabilities of our Federal agencies. In the next Congress, I will be the top Republican on the Senate Homeland Security and Governmental Affairs Committee, which means I will either serve as its chairman or ranking member, depending on the outcome of a couple of races in Georgia. Senator PETERS will be the chair if the Democrats take the majority. I will tell you here tonight, whether I am chairman in January or him, we intend to hold indepth hearings on cyber security. With what has happened, we will also, of course, focus on the origin, scope, and severity of this breach.

Actually, 3 weeks ago, even before this attack was revealed, we met and decided to hold these cyber security hearings, and we are already working on comprehensive legislation to improve our cyber defenses in the Federal Government going forward.

We must now move with a renewed sense of purpose and urgency to learn from this massive attack. We have to remove these hackers from these systems and put in place protections to prevent it from happening again.

As this cyber attack has made clear, we have to redouble our efforts to shore up our defenses. We are two decades into the 21st century, but most of the Federal Government legacy computer systems are from the 20th century. Federal agencies are simply behind the times when it comes to defending themselves against these threats posed in cyber space. The government is trying to respond to sophisticated, 21st century attacks with 20th century defenses. This attack has shown us the consequences of that and should be the catalyst for real bipartisan action here in the next Congress to better defend networks that contain sensitive, personal information, and other information critical to our economy, our healthcare, and the safety and security of all Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. BENNET. Mr. President, before I give my remarks, I would like to say that I hope the rumors are true that we are getting close to a deal here. The country needs us to reach a bipartisan deal, as we did in March, unanimously, when we passed the CARES Act here.

It is time for us to do that again. In Colorado and all across the country cases are spiking and the economy is slowing down. People need relief. They need help. I hope we will come together in a bipartisan way and do that.

I hope that the deal is not going to come crashing down because of a disagreement about what the Federal Reserve's authority ought to be under the 13(3) program. That is an important program for the Federal Reserve to help when things are really distressed in our economy—to help our small businesses, our State and local governments, and working families all over this country.

It is an authority that Donald Trump used—or that the Fed used while Donald Trump was President. People on both sides of the aisle said it was an effective authority, and if it is an effective authority for President Trump, it should not be taken away from the Federal Reserve just because Joe Biden is becoming President of the United States.

So I hope that we will come to an agreement. I expect that we will. I hope it is soon. People need the help.

CYBER SECURITY

Mr. President, in the last few days we have learned that the United States was subject to one of the most brazen cyber hacks in history. Based on press reports alone, the hackers appear to have breached the Department of State, the Department of Commerce, the Department of Energy, the Department of the Treasury, the National Nuclear Security Agency, and the Department of Homeland Security—including the agency responsible for our cyber security.

On top of that, the hackers also managed to breach major American companies like Microsoft and compromised several State governments and other foreign governments all at the same time in this process.

While we are learning more about these breaches, the level of resources and sophistication bears all the hallmarks of Russia. Reports suggest that the hackers have been in the system since the spring and perhaps much longer. According to public reports, they may still be in our system tonight.

We have heard literally not a word from the White House about this, not a single word from the President about this. I suppose this should come as no surprise. After all, this is the same President who, to this day, refuses to acknowledge that the Russians interfered in our 2016 election even though our intelligence agencies unanimously agree that Russia meddled.

This is the same President who went to Helsinki and, on foreign soil, sided with Russian President Vladimir Putin, a former KGB officer, over the CIA, the FBI, the NSA, and all of our other intelligence organizations.

The same President who spends the lion's share of almost every day criticizing everyone from the National Football League to Greta Thunberg, who is 17 years old, to the Secretary of State in Georgia for upholding the rule of law can't bring himself to utter one word of criticism for Vladimir Putin—the same President who, instead of challenging Putin, proposed creating a joint cyber unit between the United States and Russia. That would be like asking a burglar to design the locks on the front door of your house.

The Trump administration is not known for its consistency, but here is the one place they have been resolute and consistently weak, coddling dictators and abandoning our democratic allies.

As a member of the Intelligence Committee, I can't say for sure today whether this weakness emboldened or enabled our adversaries. We are going to have to study the facts. But the administration's abject fecklessness certainly hasn't helped.

To understand how weak the Trump administration has left us, it is important to appreciate the wreckage of their total war on the Federal Government. They came into office with a promise to dismantle ''the administrative state,'' but what they ended up doing was dismantling our national defenses.

Over the past 4 years, the administration drove thousands of qualified public servants to the exit, including cyber security experts in agency after agency critical to our national security.

Back in March, I asked the Department of Homeland Security to detail its plans to shore up our cyber security. They responded by telling me that they still had hundreds of vacancies for cyber security.

President Trump eliminated the top coordinator for cyber security at the National Security Council. There is no one, therefore, coordinating our cyber defenses across the Federal Government or engaging the private sector to make sure we are working together to shore up those vulnerabilities.

If you put it all together, we have been left with a gutted bureaucracy without the necessary leadership to respond to cyber threats and espionage in a coherent way. And a few weeks ago, the President fired Chris Krebs, just to make matters worse, our top Department of Homeland Security official for domestic cyber security—the very person who would be leading our response to the hacks right now.

But he is gone. He is gone not because he did a bad job but because he refused to repeat the President's baseless claims about fraud in the election, claims the President is still making as we meet here tonight more than 6 weeks after the election and 4 days after the electoral college confirmed Joe Biden's election.

In the last few days alone, the President has tweeted at least 25 times about fraud in the 2020 election, something he has completely invented in his mind, but he hasn't said one word about the most far-reaching breach of cyber security in our history by a foreign adversary.

As we meet here again tonight in the land of flickering lights, uncertain whether we will pass a budget to keep the lights on in our exercise of self-government for the weekend, all across the globe there are public servants, the men and women of our intelligence services, who are working to repair the damage that has been done and to keep us safe. They deserve and the American people deserve a President who makes clear that we won't tolerate intrusions like this, a President who rallies our allies to our common cause.

If we have learned anything this year, it is that our government has proven itself woefully unprepared to deal with emerging threats, not only a cyber attack but also a global pandemic. This year has also taught us that the cost of ignoring these threats is much, much greater than the cost of addressing them head-on.

But to do that we need a President who doesn't bury his head in the sand or his face in Twitter, a democracy that can think beyond the next commercial break on cable news, that can put aside festering partisanship and forge an enduring national security policy for the 21st century.

And Russia is not our only concern. I can assure you that China is not chasing the latest controversy on Twitter or cable news. They are building roads and bridges and airports across the globe. They are laying fiber-optic cables beneath the ocean. They are competing with us in space. They are forging new alliances and pioneering new technologies every month. They are making considered choices to shape the 21st century while we are struggling here to keep the lights on.

This lack of concern from the White House about this breach is a dark moment, but soon we will have the chance to take another approach. I hope everyone in this Chamber will seize the opportunity to work with one another to secure the promise of our great country for the next generation and America's role in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

EXECUTIVE CALENDAR

Mr. ROBERTS. Mr. President, I ask unanimous consent that the cloture motion with respect to Calendar No. 836 be withdrawn and the Senate proceed to the consideration of the nomination.

PRESIDING OFFICER. Without objection, it is so ordered.

The cloture motion was withdrawn.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Charles A. Stones, of Kansas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Mr. ROBERTS. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be made and laid upon the table; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question, Will the Senate advise and consent to the Stones nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

CORONAVIRUS

Mr. MCCONNELL. I think that all of our colleagues understand our present situation.

Both sides of the aisle are firmly committed to finalizing another major pandemic rescue package for the American people. Constant discussions have been underway for several days now.

As of right now, we have not yet reached a final agreement, regretfully. I believe all sides feel we are making good progress on a major relief bill that would travel with a full-year appropriations measure.

But, alas, we are not there yet.

Given that, our urgent task is to pass a stopgap government funding measure. There is no reason the Federal Government funding should lapse while we hammer out our remaining differences. We are going to take up the continuing resolution, which just passed the House a few minutes ago on an overwhelming bipartisan basis.

I hope this body will pass it easily and get this measure on the President's desk so Congress can complete our negotiations with no pointless lapse in normal government operations.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TODD RUCKEL

Mr. MCCONNELL. Mr. President, at the end of last month, my friend Todd Ruckel closed out 8 impressive years of leadership as Lewis County judge-executive. This financial consultant turned public servant has given so much to his community. I would like to take a moment today to join Todd's admirers in thanking him for his service.

As a former county judge-executive myself, I know just how close Todd is with his constituents. He hears their stories and has been instrumental in Lewis County's success. It is a difficult assignment but one with many rewards for a job well done. Todd ends his time in office with the respect of his colleagues and the gratitude of the families he served so well. He was even named the Kentucky Emergency Management Judge-Executive of the Year in 2017 for his work to keep his community safe.

My team and I have worked with Todd over the years. In particular, we secured over $1 million from the Appalachian Regional Commission to upgrade the water infrastructure in Lewis County. It is just a snapshot of Todd's accomplishments for the families who placed their trust in him.

Unfortunately, the pain caused by the coronavirus this past year has led to many challenges for local officials and communities. Todd recognized the danger early on. He took steps to protect families throughout Lewis County. I am proud the CARES Act delivered more than $2 million to the community, including to support Todd's team.

Although the transition has begun toward new leadership in Lewis County, Todd is still working for Kentucky. He is joining the Kentucky County Judge-Executive Association as its new executive director. Now, Todd can use his talents to help local officials in communities across the Bluegrass State.

I am sure everyone in the Lewis County courthouse is sad to see Todd and his wife Sandy go, but the results of his leadership will remain. On behalf of the Senate, I am grateful for Todd's continued service to Kentucky. We extend our best wishes and congratulate him on an accomplished career for Kentucky.

TRIBUTE TO BOB HUTCHISON

Mr. MCCONNELL. Mr. President, over the course of 40-plus years, my friend Bob Hutchison and his brother Tom built an impressive network of restaurant franchises in Eastern Kentucky. The brothers employed thousands of Kentuckians, believing a firm commitment to their community would bring success. They were right. Bob and Tom recently announced the sale of their 13 McDonald's franchises to pursue new opportunities. On behalf of the families across the region who continue to benefit from their entrepreneurial investment, I would like to congratulate the brothers on their great achievement.

While many folks are lucky enough to be born in Kentucky, some find their way to the Bluegrass State. As the Hutchison brothers scouted across the region for the right place to open their first restaurant, Bob saw something special in Paintsville. I think they found a wonderful community.

They decided to open their store during the local festival called Apple Days. Some onlookers were skeptical the Hutchison brothers could be prepared for a successful opening during such a high-traffic event. Bob and Tom were undeterred. To put their best foot forward, they trained staff to flip Styrofoam patties in their living room as they prepared for the big day. When the restaurant opened on October 6, 1979, they surpassed all expectations. I have visited them during the Apple Days festival through the years as their restaurant continued to thrive.

Together, the brothers developed a recipe that worked. Their first restaurant connected with customers, and they continued opening more franchises around the region. At each of their 13 restaurants, Bob and Tom made a commitment to investing in their employees and community. They gave many young people their first job, instilling the values of hard work and dedication. Scores of Kentuckians have grown up and achieved because of the brothers' influence. In addition to the McDonald's restaurants, Bob also founded the HUTCH Auto Group and a gasket and supply company in Ohio.

I had the privilege to become friends with Bob as he grew more active in the community. He has promoted our shared values and made extraordinary contributions to a wide range of organizations, including the University of Pikeville, the Christian Appalachian Project, and the Boy Scouts of Eastern Kentucky. Working more than 20 years with the Paintsville/Johnson County Tourism Commission, Bob has helped others see the great beauty and potential of this community in the same way he did all those years ago.

Although Bob and Tom are stepping away from their restaurants, they will keep working for Eastern Kentucky's future. I am grateful to the Hutchison brothers for their inspiring achievements. Whatever the future holds in store for them, I wish them the very best.

Mr. President, the Appalachian News-Express published a profile on the Hutchison brothers' inspiring career in Eastern Kentucky. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Appalachian News Express, August 7, 2020]

PASSING THE SPATULA: BOB AND TOM HUTCHISON PART WAYS WITH MCDONALD'S STORES

(By Reagan Coburn)

PAINTSVILLE—Bob and Tom Hutchison, brothers and owner-operators of 13 McDonald's restaurants in Eastern Kentucky, recently announced that they have sold their franchise to Faris Enterprises of Clinton, Tennessee. Tom described the joint decision of the two brothers, stating, ''The time has come to turn over the spatula to the next opportunity.''

The Hutchison brothers' journey led them from Ohio to the mountains of Eastern Kentucky. Along the way they made numerous contributions to the area through their restaurants, and have given back to the communities in which they have engrained their lives.

The two youngest of five brothers, Bob and Tom were raised by parents who instilled values and beliefs in them to which they credit their successes in life.

''Our Dad had a full ride of a career,'' said Tom. ''He had been in the restaurant business and was with McDonald's. He worked for this group of investors. He pretty much retired, but when he went to McDonald's they knew that we were going to use our father's brain and brawn. The gentleman who was running McDonald's in that division at the time knew our work ethic. He's the one that kept pushing us to come to Kentucky.

''At that time I was 22, Bob was 25,'' Tom continued. ''The youngest franchisees signed on. That was unheard of. But the guy knew our work ethic from our parents. Our father grew up in an orphanage from the age of five until he got out until he got out to marry our mother. A single mother raised our mother after the age of 12. Her father had an early death. So both of our parents were very goal-oriented, stern, family-based and those values were how we were raised.''

Tom described the duo as being business partners even as young children cutting grass, shoveling driveways in the Ohio winters and washing and waxing cars. They began working from a very young age. From the age of 9 to 14, Bob delivered newspapers. At the age of 14, both brothers entered the restaurant business with the assistance of their father.

''We knew the restaurant business,'' stated Tom. ''We started at 14 years old. We did management and I got into marketing. Bob did some schooling. The fact is that we knew how to run a restaurant and that it was about people—powering our people with pride. That is what we made as a foundation for building our company.''

GETTING STARTED IN EASTERN KENTUCKY

Making the choice to settle in Eastern Kentucky and open a McDonald's restaurant in a community like Paintsville in the 1970s and 1980s did not come without some reservations and a few obstacles along the way.

''We had several places to go to,'' described Bob. ''Our dad had just retired working with McDonald's—another operator. Then one of his cohorts tried to get him involved with the restaurants and there was no way that we could do that because we had no cash of that means. A fella from McDonald's was very encouraging to Dad about getting into the restaurant franchise. They said, 'You gotta get a McDonald's.'''

''So we came to the conclusion that we can try it, even though we knew we had a short falling of cash.'' Bob said that his father's cohort stated, ''There's this little spot in East Kentucky called Paintsville. We want you to go look at that.''

Bob continued, ''Mom, Dad, Tom and I came to Paintsville at the McDonald's recommendation. Mom and Tom weren't really on fire in the beginning because it was raining, a two lane road and lots of coal trucks. So we went back and said, 'Aren't there any other areas?' So we went back and looked at three or four other spots in the Ohio area, but for one reason or another, we gravitated back here.''

The family returned to Paintsville once again to give the area a second consideration to establish their restaurant.

Bob stated that he loved the area because of the many state parks that were within an hour or so of the town.

''I thought that's the place we need to be. You've got the Daniel Boone National Forest, you've got the Red River Gorge, you've got Fishtrap, you've got Dewey (Jenny Wiley). This place was rocking with that kind of stuff,'' Bob explained.

During their second visit to Paintsville they stayed in the Heart O' Highland's Motel, one of two motels in the town at the time. The family received a knock on the door of their room by a staff member stating they had to leave because the dam at Paintsville Lake was going to break, a historic moment for many in the area during 1978, and that they must evacuate the town.

''Mom said that's an omen, we don't need to be here,'' stated Bob.

''I was already in the car,'' Tom joked.

After that debacle, the family once again looked for other locations and stores but they were repeatedly told by their advisor that Paintsville was ''where it's at.''

''So we came back, but we didn't have the money. We needed $250,000,'' Bob said. ''The next trip was come back with our newly-purchased dress suits and went to the bank. We went to First National Bank and the vice president was very cordial. We sat down and told him we need $250,000 and we want to put in a McDonald's. We knew we were in trouble when he said, 'What's a McDonald's?' '' So we presented a packet to him of what McDonald's was.'' After about 15 minutes of deliberation, the Vice President of the bank offered them a mere $25,000.

Bob stated, ''We walked out of the bank. Dad was a chain smoker. He lit a cigarette and as we walked down the street toward the car Mom said, 'No luck there. I can tell by the way you're walking and smoking.' ''

Bob said that was the moment when his mother made the switch from pessimist to optimist.

According to Bob, she said, ''Now look, there's another bank down there. You guys go down there and find some money.''

''So we went down to Citizen's National Bank and were greeted by a very hospitable lady, Nancy Brugh, and we told her what we were looking for,'' Bob explained.

Brugh seated the boys in the office of Trigg Dorton, an famous local banker during the time. Describing Dorton, Bob stated, ''He had his three-piece suit, his glasses and a cigar and introduced himself and sat down.''

Dorton allegedly said, ''Boys, tell me about yourself. He started with Tom. He said, 'go back as far as you can remember. Tell me about your life,' '' Bob stated.

Dorton then asked Bob and his father to do the same.

Bob stated that Dorton was incredibly impressed with their life stories and that Dorton and his father shared a common link-they were both in the Second World War.

''It was the very first time I heard Dad say anything remotely about the war,'' said Bob. He continued, ''He was also impressed that Dad was raised in a children's home. He was impressed that Tom and I started working when we were fourteen.''

The following day, Dorton presented the family with a check for $250,000.

''He was probably the most knowledgeable banker I ever met,'' said Bob. ''Then, of course, his son Dennis Dorton, who just passed, was my second mentor there.''

They opened a bank account there, deposited the check, and that was the beginning.

Choosing to stay

Tom stated, ''By the fall of 1978 we knew we were coming. We broke ground that winter and were open by the fall of 1979.''

He continued, ''We opened up on Apple Days—right in the swing of things. McDonald's came in and said there's no way you guys can handle opening during the festival. We were doing trainings in our living rooms with Styrofoam hamburgers. We were teaching them service. We had nowhere to train them,'' Tom laughed. ''It really was fun.''

''But despite all that, we opened up on October the 6th, during Apple Days, and it went great,'' he said. ''We had high sales and the team pulled together. It was phenomenal. McDonald's was in awe.''

Following the opening on the Paintsville store, their advisor in Ohio helped with the banking to open the Hutchisons' Prestonsburg and Pikeville locations.

''Mom said, 'Boys, we're not moving, but sometimes you gotta do things in life you don't want to do to get where you need to go,' '' reminisced Tom.

''So we signed the papers—Dad, Bob and I, and the gentleman leaned backed in his chair and said, 'Thank God. You guys are the 12th people we've sent down there. Everybody else told us to stick it,' '' he joked.

Tom stated, ''The beauty of it is, this is where we came. But the most beautiful part of it is, this is where we chose to stay. We had chances to leave. We did Paintsville. Pikeville was our next one in 1982. Goody was two weeks after that. Then we came back in 1987 and opened up Prestonsburg as store number four.''

When asked for the reasons they chose to stay here after launching so many successful restaurants, Tom stated, ''I think a couple of things. We had people who believed in us—our parents, McDonald's, Mr. Dorton—but we believed in the brand. We believed in McDonald's and we were taught that you have to be entrenched in your communities. We learned that from our parents. We learned to give back. We chose to stay, we chose to be involved and be part of the grain of the community. To us, that's what created our success. We chose to be local and build upon what we had. We knew we had a beautiful garden here, so we just kept cultivating our garden.''

NOT A 'DEAD-END' JOB

Bob and Tom have given back to their employees and community members in countless ways. Having employed thousands of people over the past several decades, Bob said, ''I think we've had an impact on a lot of people. Many people that have come through the doorways of the arches have become successful, reaching and fulfilling their dreams. Our biggest reward is working with people who are a little shy, a little backwards and have self-esteem issues and no confidence. I love to coach people that are in those situations, especially the 14, 15, 16, 17 and 18-year-olds that have never been exposed to a lot.

''Also, every manager that we have working with us now has been promoted within, and that in itself is a success,'' he continued. Speaking on the work ethic people of Eastern Kentucky, Bob stated, ''The people in this area want to work given the opportunity to work.''

''I love giving people second chances,'' he said. ''We've got five or six felons working with us right now. We've got several single mothers who have gone through different programs—spousal abuse and things of that nature. It all goes back to their confidence and self-esteem. That's been my mission field- working with people of that nature.

He continued, ''A lot of people refer to McDonald's as a dead-end job. It's no dead end job at all. It's whatever an individual wants to make of it. It's whatever they want to do with it. They can create anything they want to. They're their own molder of the clay and it's just a unique thing.''

Tom echoed the sentiment, stating, '' 'There's plenty of rewards. Just this week, getting hit up on Facebook by a previous employee who worked with us for six years, who, of course, heard about Bob and I making the change, and there are so many individuals like this young lady who went off to other careers, but what they learned as crew people they've carried into their present fields. McDonald's is not a dead end job. It leads to many opportunities. McDonald's has touched so many lives. We've been fortunate to be and create McDonald's of East Kentucky and create those opportunities.''

Bob then spoke of various programs that McDonald's offers their employees to better their lives. He mentioned the McDonald's Archways to Opportunity program, which recently assisted team member Josh Halliday.

He stated, ''Through the McDonald's program and through our encouragement, he went to college through the McDonald's program. Now he has a four-year degree with minimal expense to him thanks to McDonald's, Tom and I. He's a rock star and he's our IT guy. He'll be going to HU in the near future and he'll be dually accredited. He can run a restaurant or he can do IT, whatever fits his niche, no matter where he's at in life and whether it's McDonald's of Kentucky and he wants to pack his bags and move west. He is a highly sought after, highly valuable individual.''

Tom noted, ''The hospitality industry is here to stay. Their training is so intense with management that an individual can get 22 hours of training that can be converted to accredited college classwork. No restaurant and very few businesses have programs remotely like that.''

GIVING BACK

It is this spirit of giving back that has continued to drive the two brothers over the years, both within their restaurants and the community at large.

When asked in what ways he has enjoyed giving back the most, Bob stated, ''One was being heavily entrenched in Boy Scouts of East Kentucky and I got there through the assistance of Trigg Dorton. Trying to keep Boy Scouts alive in East Kentucky and I was on the Bluegrass Council out of Lexington and I took that position to try to facilitate a stronger stance for Boy Scouts in East Kentucky. I left that position two years ago but I'm still considered an assistant troop master and remain active. I try to keep scouting alive in Johnson County.

''The second thing would be the Christian Appalachian Project,'' Bob said. ''I've been involved with them for 20 plus years and that's very rewarding in many ways at the local level and also when we have national disasters such as Hurricane Katrina in New Orleans to see how well the people of East Kentucky gather around and drive down there to help people in dire straits.''

''Third, mostly, has been education. Whether it's UPIKE, Mountain Christian Academy when they were around in Martin, or the Johnson County Board of Education. Regardless of which district, this has been my number one thing that I've thoroughly enjoyed. I've had some sort of impact with education through different programs here in East Kentucky.''

His brother Tom bragged on him, stating, '' 'Not being biologically a father, he's been a father to more kids than anyone can possibly imagine.''

Tom then described the philanthropic efforts that meant the most to him.

''I was on the board of forming Judi's House in Pikeville,'' Tom said. ''The arts was a big thing for me. I work a lot with underprivileged kids, usually under my grandmother's name. I don't put my name out

there. That's not what it's about. To me, it's about I know where I can put something and it gets out there, and you're helping someone. It goes back to giving back. The littlest thing can mean so much to somebody. If it's that family, if it's that crew person at the restaurant, it might be that gentleman at the gas station you see everyday. On and on . . . I think it's the biggest reward is if it's Christmas and it's breakfast with Santa and there's children, seeing those kids smile . . . I'm touched, man. That's it right there. And watching kids grow up.''

Bob then stated, '''The successes and rewards are not always measured in money. There are people in East Kentucky that are as close as family. They are family—extended family here in the hills.'' The two brothers then took a moment to reflect on what it is like to work as partners in their business endeavors.

''It's very unique,'' said Tom, ''to be in a partnership for that many years, but then it's unique added to it to be in partnership with your brother for all of those years. We are totally like night and day. Ask any of our crew. But that's part of it. I respect Bob's forte, he respects mine, but do we always agree? No. But when we sit down at a table and we have a discussion, it may not be what I sat down at the table and wanted or thought was best, but when we walk away, we're on the same mission. What is the result we want? We talk it out. It's about communication, cooperation and coordination.''

''If we really hit head to head, then we do paper, scissors, rock,'' joked Tom.

Bob stated, ''My strong points might be his weak points. His strong points might be my weak points. However, through osmosis over the years we've been able to balance each other.''

''I'm a very diplomatic guy,'' Bob continued. ''Tom likes to put a lot of bling in stuff. Tom likes to make stuff look nice. There's really nothing wrong with it, but we've went head-to-head on some of the remodels that we've done. Before, when we were allowed the luxury of picking out nice lights and nice wallpaper or quality seating, and he wanted to do things . . . we went into a boxing match over that one. I said, 'Do whatever you'd like, but keep in mind that I've got the budget.' ''

LEAVING THE BUSINESS

The decision to move on from McDonald's, the brothers said, was linked to the death of their older brother at 70.

''Bob and I reflected on the passing of our older brother and thought when is the right time?'' Tom said. ''I don't know if there is a right time, but we did make a plan and so we made the availability. What was nice is that some of the perimeters we had set were like 'Who's going to come in and represent and take care of our people? Who would take care of our guests? Who is going to best reflect what we've laid a great foundation out for?' It was about finding the right team, family or person who had the same beliefs and was going to keep our company intact.''

For Bob and Tom, the Faris family was the perfect fit for continuing their legacy.

Bob stated, ''It was an easy decision. We've had five or six people approach us over the last couple of years without even putting a sign out. It was really easy when we saw who they (the Faris family) are personally and professionally. We knew who to sell it to. They're people-oriented.''

Tom echoed the sentiment, stating, ''The Farises, what they had to offer us and what they had to offer the team, I want to say that we are like book ends. Bob, Tom and the Faris family. Same core beliefs. That's what felt good.''

''I wouldn't be surprised one bit if they make this organization better than it already is,'' said Bob.

The two brothers plan to remain in Eastern Kentucky and continue making a difference in their communities.

Tom stated, ''''What's most important is that Bob and I came here almost 42 years ago to go into business. We had the opportunity to leave many times, to relocate. But we chose to stay because the mountains spoke to us and there's a lot of opportunity here. We've seen a lot of opportunity here—but the people. The people in the communities and the people that were with us in our organization—our company was really powered by people with pride and we knew we had everything we ever set out for and that we could begin and continue our foundation by staying here in Eastern Kentucky, where we chose to make our home. We're still in the community. We'll still be engrained in many things in the community. We are not leaving or abandoning, we are just taking ourselves to the next level.''

Bob stated, ''We will be here, we will be active, we will be involved and the thing that's keeping us here is the people—the people in the mountains. People here have been great—we've been able to help a lot of people, but there's a lot of people that have been able to help us.''

Tom said the brothers are simply opening another chapter in their lives.

''We walked in together, and we're walking out together,'' he said. ''It's a beautiful scenery.''

TRIBUTE TO LAMAR ALEXANDER

Ms. CORTEZ MASTO. Mr. President, I would like to take a moment to recognize and thank the chair of the Senate Health, Education, Labor, and Pensions Committee and Senator from Tennessee, LAMAR ALEXANDER. Senator ALEXANDER has committed his life to public service for both the people of Tennessee and Nation. He served first as the Governor of Tennessee, then as the Secretary of Education under President George H. W. Bush from 1991 to 1993, and finally in the U.S. Senate since 2003. Senator ALEXANDER has served more years as Governor and U.S. Senator than any other Tennessean who has occupied both positions. It has been an Honor to serve with Senator ALEXANDER over the past 4 years.

As chair of the Health, Education, Labor, and Pensions Committee, Senator ALEXANDER dedicated the end of his Senate career to issues such as the opioid epidemic, supporting mental health providers, lowering prescription drug prices, and cultivating innovation in the medical field, just to name a few. During his tenure as chair Senator ALEXANDER presided over more than 70 hearings and oversaw more than 45 bills that eventually became law.

Senator ALEXANDER has dedicated his career to faithfully representing the people of our great country, believing that ''the best decisions are made by those closest to the people.'' Thank you, again, to Senator ALEXANDER. I wish him a long and peaceful retirement, playing piano and spending time with his wife, Honey, their children and grandchildren, and dog, Rufus.

Ms. SMITH. Mr. President, I am honored to pay tribute to my colleague, Senator LAMAR ALEXANDER. When speaking about the Senate, Senator ALEXANDER often says, ''It's hard to get here, it's hard to stay here, and while you're here, you might as well try to accomplish something good for the country.'' Over his 18 years in this institution, he has embodied those words and has served as a guiding force of principle and bipartisanship.

Under his 6 years of leadership as chair, the Senate Health, Education, Labor, and Pensions Committee reported 45 bills that became law. It is a shining example of his commitment to working together and finding resolution on issues that directly impact Americans' lives. As a member of the HELP Committee, I am thankful to have had the opportunity to work with Senator ALEXANDER on some of these bills, such as the Opioid Crisis Response Act of 2018 and the reauthorization of the Perkins Career and Technical Education law, among others. I am also thankful for Chair ALEXANDER'S, as well as Ranking Member PATTY MURRAY's, support for my work to lower the cost of prescription drugs and improve access to mental health services.

When I came to the Senate in 2018, Senator ALEXANDER welcomed me as a colleague and friend, for which I will always be grateful. While I will miss his esteemed, bipartisan leadership, both on the HELP Committee and in the Senate, I am grateful for his service to our country and wish him and Honey the best in their next chapter.

Ms. ROSEN. Mr. President, I would like to take this time to honor Senator LAMAR ALEXANDER. Over the past 30 years, Senator ALEXANDER has served the people of Tennessee as U.S. Senator, Governor, and U.S. Secretary of Education under President George H.W. Bush. Over the past 2 years, however, he has also been a great friend to a freshman Senator from Nevada who came from a different political party but shared his desire to get things done for the American people. Like so many in this Chamber, I will miss this dedicated public servant who sought to find common ground on the many pressing issues facing the Senate, including healthcare, education, and medical research.

Senator ALEXANDER has been a great mentor and colleague of mine in the Senate. I was grateful for how gracious he was when I first came to the Senate and for his willingness to engage me on the key issues facing Congress. As chairman of the Health, Education, Labor, and Pensions Committee, of which I am proud to be a member, Senator ALEXANDER worked tirelessly on important issues like increasing access to telehealth services, lowering health care costs, making it easier to apply for student financial aid, and advocating for our seniors. I particularly appreciated the work he did to support the fight against Alzheimer's disease and ensure we invest in robust funding for medical research.

Especially this past year during these unprecedented times, the American people needed bipartisan work and leadership from its public officials in getting relief to struggling communities across the country. Senator ALEXANDER'S direction and leadership through debates and negotiations brought out the best in him this year, as it has in the past, evident both in how he treats people with dignity and respect and in his unwavering dedication to public service.

Not only will we miss Senator ALEXANDER'S presence in this Chamber, but we will also miss his beautiful piano skills during the holiday season. I hope he will have the opportunity to come back to the Senate Hart Building and play for us again soon. I promise I will be there in the front row.

Senator ALEXANDER, I wish you the best in the next chapter of your life and hope you have a wonderful retirement after your long and impactful career.

TRIBUTE TO PAT ROBERTS

Ms. STABENOW. Mr. President, I rise today to pay tribute to someone who is more than just a colleague. He is more than just a friend. In fact, he has been a true partner here in the Senate, and that has paid huge dividends for farmers, families, and communities across our country.

PAT ROBERTS has been here in the Senate for a long time. Some might even call him an institution. At a recent Ag Committee event, I joked that, as a young man, he advised George Washington on farm policy. That might be a bit of an exaggeration, but his legacy can hardly be overstated. He has left a lasting imprint on farm and food policy in this country. He is the only person to have written a farm bill as both the chair of the House and Senate Agriculture Committees.

Those of us who have had the honor of serving alongside PAT on the Senate Agriculture Committee know there is no other place quite like it. It is a place where we leave politics at the door and focus on the ways we can improve people's lives and livelihoods in rural America. We do that because we know agriculture isn't a red issue or a blue issue. Agriculture and food policy affect everyone. And nobody knows that better than PAT.

Senator ROBERTS and I never gave up on passing the 2018 farm bill even when it got tough. At the beginning of negotiations, we made a commitment to work together. We visited each other's home States—twice, in fact. I arrived in ''The Little Apple'' of Manhattan, KS, wearing K-State purple. A few weeks later, PAT came to Frankenmuth, MI and wore a MSU green tie.

Around this time, we also made a commitment to each other to write a bipartisan farm bill. Throughout the entire process, I never doubted that PAT had my back—even when negotiations got tough. Thanks to this partnership, we achieved the most bipartisan bill in history.

We first passed our Senate bill by 86 votes, but that wasn't enough. We decided to beat that record and passed the final farm bill by 87 votes, the most yes votes ever. We were able to do that because we have a unique partnership built on trust and mutual respect. And the outcome was a strong, bipartisan bill that provided certainty for all farmers, from wheat farmers in Kansas to cherry growers in Michigan. Part of that certainty is Federal crop insurance—and nobody deserves more credit for the foundation of that important safety net program than Senator ROBERTS.

PAT is also a champion for food security, agricultural exports, and agricultural research, which is why he and I worked together to establish the Foundation for Food and Agriculture in the 2014 Farm Bill. He also understands the importance of protecting food assistance for children and families. I was honored to share the Food Research and Action Center's Distinguished Service Award with Senator ROBERTS last year for our teamwork.

Above all, it has been an honor working with PAT because he is truly one of a kind. From the moment I met him, it became abundantly clear that he wasn't your run-of-the-mill politician. Some say it is his unflappable nature. Others say it is his unique sense of humor. But to me, PAT ROBERTS is defined by his loyalty, integrity, and dedication to the people of Kansas.

He started his career as a first lieutenant in the Marine Corps. And it is clear he has carried that courage and conviction with him throughout his life. He was also a newspaper reporter, which makes sense when you consider his dogged determination, and, for better or worse, his ability to be exceptionally quotable.

As a public servant, he is so beloved in his home State of Kansas that he never lost an election, a record of 24–0. If only his K-State Wildcats could be so lucky.

Senator PAT ROBERTS, it has been such an honor to be your partner—and an even bigger honor to be your friend. So while your retirement is well earned, you will be deeply missed on the Agriculture Committee and here in the Senate.

Thank you for all you have done for farmers, families, and the American people.

Ms. CORTEZ MASTO. Mr. President, I would like to recognize and thank the Senator from Kansas, PAT ROBERTS. He has served the people of Kansas and our Nation in Congress for nearly 40 years, serving 16 years in the House of Representatives and in U.S. Senate since 1997. Over the past 4 years, I have had the pleasure of serving with Senator ROBERTS in the Senate, including on the Committee on Rules and Administration and the Finance Committee for the last 2 years.

Senator ROBERTS has been a pragmatic partner on legislation focused on supporting rural hospitals and telehealth access during the pandemic. We introduced the Rural ACO Improvement Act to support rural health care providers as well as the Ensuring Parity in Medicare Advantage for Audio-Only Telehealth Act to protect seniors' access to telehealth visits even when video is not available during the COVID–19 public health emergency. I respect and appreciate Senator ROBERTS'S dedication to these important issues.

Senator ROBERTS has had a long and esteemed tenure in Congress, and his emphasis on working across the aisle can be seen clearly with the record number of votes in favor for the 2018 farm bill. His evident love for his family, rich heritage as a fourth-generation Kansan, and his call for levity and humor in the Senate to ensure bipartisanship will be remembered for years to come. I thank Senator ROBERTS and wish him, his wife Franki, and his family all the best in the coming years.

TRIBUTE TO MICHAEL B. ENZI

Ms. CORTEZ MASTO. Mr. President, I want to take a moment to recognize and thank the Senator from Wyoming, MIKE ENZI. He has served the State of Wyoming and our Nation for more than 40 years, first as the Mayor of Gillette, then in both chambers of the Wyoming Legislature, and finally in the U.S. Senate since 1997. Over the past 4 years, I have had the pleasure of serving with Senator ENZI in the Senate, including on the Finance Committee for the last 2 years. Together, we introduced the 1921 Silver Dollar Coin Anniversary Act, to celebrate the anniversary of the Peace silver dollar memorializing the end of World War I.

Senator ENZI has had a long and distinguished tenure in the Senate as both the chair and ranking member of the Health, Education, Labor, and Pensions Committee and as the chair of the Budget Committee. Across all his legislative efforts, Senator ENZI has remained a staunch advocate of his ''80 percent tool''—the belief that we can get a lot done when we can agree on 80 percent of the issues 80 percent of the time. This lesson is one that we all should take to heart as we enter the 117th Congress and the future.

Senator ENZI's legacy and his words of wisdom—do what is right, do your best, treat others as they wish to be treated—will continue to remind us to work hard and serve our constituents to the best of our abilities. I wish him a peaceful retirement fly-fishing on the banks of Wyoming's rivers, and I wish his wife Diana and his family all the best in the next chapter.

TRIBUTE TO JOHNNY ISAKSON

Ms. CORTEZ MASTO. Mr. President, I would like to recognize and thank Senator Johnny Isakson for his service

in the U.S. Congress. Having served in the House of Representatives from 1999 to 2004 and later in the Senate from 2005 until his retirement in 2019, Senator Isakson has dedicated himself to supporting longstanding, bipartisan measures. His ability to find common ground and his commitment to public service are a reflection of his adherence to Georgians' and our Nation's values. It is my honor to have served alongside Senator Isakson during the 116th Congress.

In his tenure, Senator Isakson sponsored over 130 bills—a testament to his determination and aptitude to work across party lines. Having served in the Georgia Air National Guard, Senator Isakson played a key role in passing salient legislation to aid our veterans. As chairman of the Senate Committee on Veterans' Affairs, he led the Department of Veterans Affairs Educational Assistance Improvement Act of 2017, which created opportunities for veterans to pursue higher education. I am proud to have cosponsored this bill in my first year in office and to have worked with Senator Isakson to unite Congress in support of our veterans, among many other bipartisan causes led by Johnny.

Senator Isakson's time in office has left a profound mark in the Halls of Congress. I am confident his courage, compassion, and celebrated accomplishments will be remembered for years to come. I thank Senator Isakson for his service and send my best wishes to him and his wife Dianne and their children, Kevin, Julie, and John.

TRIBUTE TO TOM UDALL

Ms. STABENOW. Mr. President, I rise today to honor someone whom I have had the good fortune to serve alongside both in the House and the Senate.

In American political history, there are certain names that carry a legacy. There are the Roosevelts, a family of great means who nonetheless understood the deeply personal pain of the Great Depression and helped bring a nation through it. There are the Kennedys, a family that for generations has been near the center of American power and popular culture.

And there are the Udalls.

Now, the Udalls have never been flashy. They might not be the equivalent of political royalty. You are more likely to find Udalls in cowboy boots and jeans than expensive suits. But they are a family that is deeply devoted to public service, protecting the people and places of the West, and just being some of the kindest, hardest-working, most decent folks you could ever meet.

Senator TOM UDALL has certainly lived up to his family's legacy during his long career in public service. New Mexico is so fortunate to be represented by him, and I feel so fortunate to have him as a friend.

TOM, it has been such a pleasure to work with you on issues including protecting funding for the Great Lakes Restoration Initiative, ensuring that our community health centers receive full funding, strengthening rural communities, and improving services for our veterans and our work together on TSCA reform. I have been so impressed by your work on clean energy and on protecting the wild places that make our States so special—and, of course, your important work on reforming the Senate. And I am so grateful for your strong leadership on the Indian Affairs Committee and your hard work on behalf of our Nation's Tribes. You have also set yourself apart through your work on foreign relations and on keeping our Nation safe.

I will never forget our trip to Vietnam and South Korea last year. It was such a special moment when Jill organized a Passover Seder for everyone on our plane to Ho Chi Minh City. It brought everyone together to focus on our common humanity and what we are each called to do: serve others.

Whatever the future holds for you, I have no doubt that you will continue serving the people of New Mexico and this great Nation. Public service, that is what Udalls do.

TOM, congratulations on your retirement, and thank you for a job well done. You have been a true blessing to New Mexico and our Nation.

Mr. VAN HOLLEN. Mr. President, I rise to honor my colleague and good friend, Senator TOM UDALL, who will be retiring from the Senate at the end of this Congress. TOM has been a forceful advocate for the people of New Mexico, a champion for all Americans, and a guardian of our Nation's public lands and our democracy. It has been my privilege to partner with him, both in the House and Senate, over the past 17 years.

TOM's family roots were grown from American history. Generations ago, his ancestors traveled west and settled on the American frontier. Although centuries have passed since those early pioneers, TOM's deep connection to our country's rich history hasn't waned. He holds deep respect for the communities that treasured the American landscape long before his family arrived, and TOM has championed the cause of Tribal sovereignty throughout his career. As vice chair of the Senate Indian Affairs Committee, he fought to ensure that our country fulfills its obligations to indigenous Tribes. His commitment to this cause reminds us, as lawmakers, that the government has a responsibility to respect the rights of all communities from coast to coast.

His personal link to the American experiment has also nourished a passion for conserving our natural inheritance. In the House, I was proud to work with him on bolstering our Nation's renewable energy infrastructure. In the Senate, I have been privileged to serve with him on the Appropriations Subcommittee on the Interior and Environment. He has been an advocate for supporting the Chesapeake Bay in my home State of Maryland and helped us secure a historic increase in funding to the Chesapeake Bay Program. Senator UDALL's pioneering work in these arenas has rallied colleagues around the cause of protecting our environment, culminating this August with the passage of the Great American Outdoors Act. His tireless efforts to preserve America's natural heritage will live on through the clean water and clean air that he helped safeguard for generations to come. But TOM knew well that preserving our environment must go hand-in-hand with defending our planet against climate change. His landmark bill on renewable energy standards offers a model for the type of rigorous approach we can take to cut carbon emissions and address this global threat.

Senator UDALL's commitment to keeping our planet healthy has been equal in force to his mission of keeping our democracy healthy. Throughout his career, TOM promoted the notion that we need structural change in our institutions if we want to move our country forward. He and I worked together on campaign finance reform to help insulate our elections from the influence of special interests and big corporations and have fought to reform financing for Presidential elections and the FEC. In Washington, he has been a vocal critic of government inaction and proposed rule fixes to remedy congressional paralysis, both while in the minority and in the majority. His calls for change have challenged this body to act on institutional adjustments that could help us get more done for the American people.

But beyond these achievements, one of TOM's greatest contributions to the Senate is the way in which he has made this Chamber a kinder place. His warm temperament and humble nature exemplify the character of a true public servant—someone who is here to do good work on behalf of their constituents, not stroke their own ego. He has stayed grounded and honored those whom he serves, always looking to move our country forward. In his farewell address, Senator UDALL reminded us that disagreements in politics shouldn't get in the way of progress. TOM lives and breathes this bedrock principle and has always extended a hand to those across the aisle in order to deliver for the American people. Although he is now headed back West to return to the place that made him, he is leaving a lasting legacy of collaboration and success that cannot be undone.

Thank you, TOM, for your dedication to this body and to our country, and I wish you and your family the best in the years ahead.

Ms. CORTEZ MASTO. Mr. President, I want to take a moment to recognize and thank the vice chairman of the Senate Committee on Indian Affairs, Senator UDALL, for his years of leadership in the Senate, on our committee, and for his commitment and service to

our Tribal communities. It has been an honor to serve with him the past 4 years.

I want to thank Senator UDALL for his wisdom, his mentorship, and the example that he has set for us through his many years in Congress and in the Senate. I also want to thank his staff for their support of all of our work in the Senate Committee on Indian Affairs. Senator UDALL's tireless leadership and ability to work across the aisle with Chairman HOEVEN, each Member of the Senate, and our Tribal leaders has encouraged all of us to truly work together in a bipartisan manner to find solutions on behalf of our Tribal communities.

I am particularly thankful, for Senator UDALL's leadership in helping ensure that Senator MURKOWSKI's and my bills, the Not Invisible Act and Savanna's Act, became law. With their passage, we are finally beginning to address the serious epidemic of missing and murdered indigenous women and girls. His commitment to combatting violence against Native women and children has been crucial for their success.

Senator UDALL's achievements in the Senate stand as a testament to the spirit of the West, which we both call home. From conserving and protecting our public lands through the Great American Outdoors Act and championing the rights of Indian Country, to empowering our Tribal communities through introducing the Native American Voting Rights Act and ensuring vital coronavirus relief funds and care reach those who need it most, Senator UDALL has always prioritized the needs of western communities.

Whether it is through finding creative solutions to address the homework gap through partnering with me to introduce E-Rate Support for School Bus Wi-Fi, or fighting for quality housing through reauthorization of the Native American Housing Assistance and Self-Determination Act, his work here has led to tangible benefits for rural and Native communities in my home State of Nevada and all across the country.

I have no doubt that Senator UDALL's legacy of service here will continue to leave a powerful impact on the lives of many in our Tribal communities for years to come, so thank you again, Senator UDALL, for all your contributions.

Ms. ROSEN. Mr. President, I rise today with great pride to honor my dear friend and colleague, Senator TOM UDALL. Throughout his time in Congress, he has continued to be a staunch advocate for protecting working families, our public lands, and so much more. TOM's desire and commitment to serve the people of New Mexico over the past 20 years are not only inspiring but serve as an example of what a faithful public servant represents.

As we all know, the ''Udall'' name rings with great respect and honor among those involved in public service, and TOM is no exception. As a true native of New Mexico, Senator UDALL understands the importance of protecting our public lands and the people who reside there. It has been an honor to serve alongside him in the western delegation to secure funding for environmental restoration and public lands preservation. It has been my distinct pleasure to work with him and his staff on monumental legislation such as the Great American Outdoors Act, which permanently funds the Land and Water Conservation Fund, LWCF. The LWCF provides funds for restoration and outdoor recreation opportunities in Nevada and numerous projects in New Mexico. We have also fought side-by-side to defend our public lands from those who would take them out of public hands.

Senator UDALL, your mentorship, expertise, and, most of all, your friendship will be deeply missed. You and your family welcomed me with such warmth when I began my journey as a Senator. I am so grateful to have not only a great professional relationship but a wonderful personal one as well. I would also like to take a moment to thank your wife Jill for showing my husband Larry the procedures and protocols as of being new Senate spouse. Larry and I are so happy to have you and Jilly as friends for life.

Mr. President, Senator UDALL's decades as a public servant are an inspiration for so many of our colleagues, myself included. The western delegation will continue to honor Senator UDALL's work to reduce global emissions, build a clean energy economy, and protect the public lands that we all hold so dear. It has been an honor to work with Senator UDALL, and I wish him and Jill a joyful and tranquil transition in the years to come.

TRIBUTE TO CORY GARDNER

Ms. CORTEZ MASTO. Mr. President, I want to recognize and thank Senator CORY GARDNER for his years of service to the people of Colorado. Senator GARDNER has served the people of Colorado for 15 years as a member of the State house of representatives, a Congressman from Colorado Fourth District, and as a U.S. Senator. It has been an honor to serve with him in the U.S. Senate and alongside him on the Senate Committee on Energy and Natural Resources.

Like my home State of Nevada, Colorado is a precious treasure of the American West, famed for its soaring peaks and beautiful countryside. Senator GARDNER committed himself to protect and preserve heritage through championing our national parks and public lands with the passage of the Great Americans Outdoors Act. Senator GARDNER also understands that preserving our outdoor spaces is vital to our western economies and to the physical and emotional well-being of the people who call our State home. I must thank him for supporting our successful, bipartisan effort to reauthorize Brand USA to promote the United States as a destination to global travelers and support workers and businesses in tourism and hospitality in our States. I also want to thank him for partnering with me on the ACCESS Broadband Act to enhance access to Federal broadband programs and deliver these vital services to our rural communities. Finally, I must acknowledge Senator GARDNER for joining Senators BURR, SINEMA, Congressman DESAULNIER, and me in introducing the Moving FIRST Act to invest in our local communities infrastructure to help them overcome local challenges and meet the needs of the future.

Thank you, again, to Senator GARDNER, for his public service. It has been an honor to work with him here in the Senate and join in his commitment to all of us throughout the region we call home.

TRIBUTE TO DOUG JONES

Ms. STABENOW. Mr. President, I rise today to pay tribute to someone who hasn't been in the Senate very long, but whose character, compassion, and dedication to justice will leave a mark here for years to come.

Many of us are old enough to remember that awful day in 1963 when a peaceful Sunday morning was shattered by a bomb. This attack on the 16th Street Baptist Church in Birmingham, carried out by members of the Ku Klux Klan, ended the lives of four young girls: Carole Robertson, Addie Mae Collins, Cynthia Wesley, and Denise McNair.

I was just a little younger than Carole, Addie, and Cynthia, who were all 14. DOUG JONES was just a couple of years younger than 11-year-old Denise. When something so unspeakable happens to people you could have gone to school with, been friends with, and grown up with, it sticks with you.

It certainly stuck with DOUG. He got involved in organizing at the University of Alabama and volunteered on a campaign to modernize the State's courts. After graduating from Cumberland School of Law at Samford University in Birmingham, he served as staff counsel on the Judiciary Committee for Senator Howell Heflin, whose seat he currently holds.

After time as an Assistant U.S. Attorney and in private practice, DOUG was confirmed by the Senate as U.S. Attorney for the Northern District of Alabama in 1997. In that position, he successfully prosecuted two of the four men responsible for the devastation on that long-ago Sunday morning. He didn't just remember those four little girls. Instead, he fought to bring their families some measure of justice and closure—because that is just the type of person Doug is.

Doug, your Future Act to permanently fund historically Black colleges and universities will help build a brighter future for students across our

country. It has been such an honor to work with you to extend funding for community health centers and to expand access to care and resources to families living with Alzheimer's disease. And millions of Americans have you to thank for a timely vote to save the Affordable Care Act and their healthcare.

Doug, you know what really matters: pursuing justice, expanding opportunity, and simply making life better for the people who sent us here.

Three days after those beautiful young girls were killed, Dr. Martin Luther King, Jr., delivered their eulogy. In it, he said this: ''(Their deaths) say to each of us, black and white alike, that we must substitute courage for caution.

''They say to us that we must be concerned not merely about who murdered them, but about the system, the way of life, the philosophy which produced the murderers.

''Their death says to us that we must work passionately and unrelentingly for the realization of the American dream.''

Doug, you might not know yet what your future holds, but you have been working passionately and unrelentingly for the realization of the American dream for your entire career. I have absolutely no doubt that in whatever you do next, Doug, you will continue to be a tireless advocate for justice and equality.

Thank you for who you are. It has been such an honor serving with you.

Mr. VAN HOLLEN. Mr. President, today I rise to honor my dear friend and colleague, Senator DOUG JONES of Alabama.

DOUG JONES is fearless. He cuts against the grain, shrugging off critics to chart his own path rooted in deeply held principles of justice, virtue, and equality. After law enforcement had failed to prosecute civil rights cases for decades, DOUG JONES successfully brought a measure of justice to the families of the four girls killed in the 16th Street Baptist Church bombing. When skeptics claimed there was no chance of him winning a Senate race in Alabama, DOUG JONES stayed the course and clinched an upset victory. And despite having seen some of his own colleagues shy away from addressing controversial issues in this Chamber, DOUG JONES stood up for what he knew was right, from his very first speech in the Senate when he delivered a moving address on the threat of gun violence.

But despite his tenacity, Senator JONES has never stopped leading with compassion—compassion for his colleagues, compassion for the people of Alabama, and compassion for all Americans. Like his personal role model, Atticus Finch, Senator JONES abides by the principle that in order to know someone else truly and fully, you need to ''climb in his skin and walk around in it.'' And it is that empathy that has led Senator JONES to champion unity over division. My seat is near DOUG's here on the Senate floor, and we sat together during the impeachment trial. Even during one of the darkest moments in our country's history, DOUG maintained faith in our better angels. When the trial of the President came to a close, Senator JONES issued a call for unity, saying, ''We must find a way to come together, to set aside partisan differences, and to focus on what we have in common as Americans.'' He looked forward, past the tension consuming Washington and toward brighter days ahead. That is DOUG. That is how he works.

From the time I chaired the DSCC during then-Candidate JONES' run for Senate in Alabama, to our years together in this Chamber, I have always admired his desire to put country first, follow his conscience, and value principle over politics. He is a man of enormous integrity—someone who never forgot who sent him to the Senate, someone who always worked to get results, and someone who achieved more in just a few years than many Senators do in multiple terms.

I was proud to work with Senator JONES on the passage of the FUTURE Act, which provided permanent funding for historically Black colleges and universities. His commitment to that cause has directly benefitted the four proud HBCUs in my State of Maryland, and the bill is a step forward in the fight for equity in higher education. I am also grateful for Senator JONES's work to end the military widow's tax, which prevented military spouses from receiving the full benefits they deserved. Senator JONES was a champion for the widows who had lived for too long with broken promises. He was principled, persistent, and got the job done.

DOUG JONES is a model public servant, someone the American people can look up to and admire. His absence will be deeply felt in the U.S. Senate, but I know that just because he will depart the Nation's Capital on January 3 doesn't mean his role in this fight is over. Service is in his bones, plain and simple. It has been a profound honor and privilege to serve alongside him. Thank you, DOUG—thank you for all you have done for our country, and I want to extend my warmest thoughts and wishes to you, your wife Louise, your three children, and your grandchildren on behalf of a deeply grateful nation.

Ms. CORTEZ MASTO. Mr. President, I want to take a moment to recognize and thank Senator DOUG JONES for his service in the U.S. Senate and to the people of Alabama. In just 2 years, Senator JONES has become a respected voice in the Senate and built a reputation as someone who puts the interests of his constituents before partisanship or ideology. It has been a privilege working alongside him during the 116th Congress.

Senator JONES's achievements are remarkable for a first-term Senator. I was proud to work with him on his Military Widow's Tax Elimination Act, which helps ensure that nearly 70,000 surviving military spouses receive their full benefits, as he shepherded this important legislation through Congress. He has also passed legislation to expand insurance coverage for COVID–19 vaccines and treatments, helped his rural constituents navigate the healthcare system, and promoted justice for victims in unsolved criminal civil rights cases. I am proud to have worked with him on my legislation to expand workforce development programs and hands-on learning in high schools.

These incredible accomplishments demonstrate the hard work and dedication that Senator JONES brought to the Senate. He is a man with unwavering principles but a strong drive to find common ground and bring tangible benefits to the people of Alabama.

Senator JONES's legacy in the Senate is one I hope we can all remember as we look to work together for the betterment of our States and the Nation. It has been a privilege to work alongside him for the last 2 years, and I know he will continue to inspire us all as he begins the next chapter in his distinguished life.

Ms. SMITH. Mr. President, DOUG JONES and I came to the Senate at the same time—a class of just the two of us arriving in an off-year to fill partial terms. We were sworn in together on January 3, 2018, with each of us accompanied by a former Vice President—Walter Mondale in my case, Joe Biden in DOUG's. We shared the unique experience of arriving during an unprecedented period in the Senate's history, and I am fortunate to have spent the first 3 years of my Senate journey with a partner like DOUG by my side.

DOUG and I both joined the Health, Education, Labor, and Pensions Committee, and we quickly found common cause in rural healthcare. Within months, DOUG had introduced the Rural Health Liaison Act, which helped to unify Federal resources to better support the health of rural communities. This act, which became law through our collaboration on the 2018 farm bill, put the government in a better position to respond to crises like the one we are experiencing today. The foresight and compassion DOUG displayed in leading this initiative were hallmarks of his time in the Senate. Whether he was working to lower the costs of higher education, helping me bring high-speed internet to rural areas, or passing legislation to support military spouses, I could always count on DOUG to be a voice for rural communities on the HELP Committee.

DOUG and I also sat next to each other on the Banking Committee, where I have appreciated his thoughtful focus on rectifying racial disparities in income and wealth, particularly those caused by Federal policies of the past. In addition, DOUG played a key role in leading a bipartisan effort to

update Federal anti-money laundering laws, which I am hopeful will become law as part of the NDAA later this month. Thanks to his work, we are on the verge of finally putting a stop to the use of anonymous shell companies by traffickers, terrorists, and tax dodgers, and making numerous other reforms that will cut off funding for criminal actors and make Americans safer.

I have been proud to call DOUG a colleague and friend. I know that Americans in Alabama, Minnesota, and everywhere in between join me in thanking him for his service and wishing him a fond farewell.

Ms. ROSEN. Mr. President, I rise today to honor and thank my dear friend and colleague, Senator DOUG JONES, for the hard and noble work he has done in the United States Senate. I greatly admire his passion and all that he accomplished for the people of Alabama and all Americans.

For his entire life, Senator JONES has stood tall as a pillar of justice and equality. After graduating law school, Senator JONES became counsel to the Senate Judiciary Committee for then-Senator Howell Heflin and served as an Assistant United States Attorney shortly after. Senator JONES then became the U.S. Attorney for the Northern District of Alabama, where he fought for civil liberties and against racial injustice. As U.S. Attorney, he successfully was able to prosecute two of the four men who were responsible for the 1963 bombing of the 16th Street Baptist Church, and later indicted domestic terrorist Eric Rudolph. By pursuing these cases, Senator JONES encouraged us all to continue to reject bigotry and hate in all its forms.

In 2017, Senator JONES became the first Democrat to represent the state of Alabama since 1997. He made it his duty to represent the people of Alabama in every vote he made on the Senate floor. He always voted in the best interests of his constituents, even when it wasn't politically expedient or convenient. His service stands as a reminder that bipartisanship is vital in addressing the issues that our nation currently faces.

Senator JONES is a man of bravery and strength. His heart and passion are not only moving, but admirable as well. I am very proud to have had Senator JONES as a friend and colleague as we served alongside each other on the HELP Committee these past two years, and I am eager to continue watching his fierce fight against injustice, joining with him in this struggle until hate is rejected in every corner of this nation.

DOUG, you have been a great friend and colleague of mine in the Senate. It has been an honor serving alongside you, and I am so sorry to see you go. We have shared so much, both on and off the Senate floor, and I look forward to continuing our friendship. During your time here, you've shown bravery and strength, you followed your conscious, and you have always done what was right. The lives of the people of Alabama have been made better with you as their Senator. You will be dearly missed.

TRIBUTE TO MARTHA MCSALLY

Ms. CORTEZ MASTO. Mr. President, I would like to take a moment to recognize and thank Senator MARTHA MCSALLY for her career of service. I had the pleasure of serving alongside Senator MCSALLY on various committees but primarily wanted to underscore our work together on the Senate Committee on Energy and Natural Resources' Subcommittee on Water and Power. In her capacity as subcommittee chair and mine as ranking Member, we were successful in shepherding the Colorado River Drought Contingency Plan Authorization Act, P.L. 116–1, through the Senate and ensuring that it was signed into law on April 16, 2019. This monumental legislation culminated years of work by the seven Colorado River basin States, researchers, local stakeholders, and Tribal governments, and affirmed the commitments made by the basin States to reduce States' water usage and target minimum water levels for reservoirs in the river's watershed, such as Lake Mead on the Arizona-Nevada border and Lake Powell on the Utah-Arizona border. I commend Senator MCSALLY's dedication to this effort to secure sustainable water levels for the 40 million Americans who rely on the Colorado River as a water source. It has truly been a pleasure to work with Senator MCSALLY on this and other western priorities, and I wish her and her family all the best in their future endeavors.

TRIBUTE TO DEPARTING REPUBLICAN SENATE COLLEAGUES

Mr. VAN HOLLEN. Mr. President, I rise to pay tribute to my friends and colleagues on the Republican side of the aisle who are departing the Senate at the conclusion of this Congress. Although we might not have always seen eye-to-eye on every issue, I am proud to have worked with them on finding solutions to the many challenges facing the American people.

On January 3, when the new Congress is sworn in, we will be missing among our ranks a stalwart advocate for the people of Wyoming who has valiantly served in the U.S. Senate for 23 years, MIKE ENZI. Senator ENZI's service to this body has been defined both by a commitment to principle and a willingness to find common ground. MIKE believed fully that our focus in Washington must always be on crafting legislation, not making headlines. He took a low-ego approach to lawmaking and prized delivering results over fomenting conflict. On many occasions, he extended a hand to those working on the other side of the aisle, including the late great Paul Sarbanes of Maryland, with whom he collaborated in crafting the bipartisan Sarbanes-Oxley Act. I was privileged to serve with Senator ENZI on the Senate Budget Committee, and despite our differences, he always made an effort to treat me and others on the committee with kindness, as a true professional and a gentleman. His infamous ''80 percent tool''—the notion that all of us can agree on 80 percent of the issues 80 percent of the time—will continue to remind us on Capitol Hill of the capacity for Congress to come together on the issues that matter. I wish him the best in the years to come.

I am also sad to say goodbye to my neighbor in the Senate Hart Building and a veteran of this Chamber, Senator PAT ROBERTS, who is retiring after four decades serving his home State of Kansas in the U.S. Congress. Although Senator ROBERTS has had a storied career in Washington, all of us know that his first love was the U.S. Marine Corps. PAT ROBERTS took what he learned in the Armed Forces of humility, friendship, and cooperation and brought those values with him to Washington. As a lawmaker, Senator ROBERTS has led with good humor and grace. I was honored to serve with him on the Senate Agriculture Committee, where we worked together on the 2018 farm bill to enhance provisions to help farmers clean up the Chesapeake Bay, correct an inequity in how our 1890 HBCUs spend Federal funds, and support our Nation's minority and veteran farmers. I was also pleased that he joined me in introducing a bill that would fully fund the IDEA in order to support our schools and ensure a first-rate education for children with disabilities. His tireless commitment to promoting comity and camaraderie in this body demonstrated that kindness often precedes compromise. I salute the years of service he has given in the defense of our Nation and the promotion of the common good. And I say directly to my colleague and friend, PAT ROBERTS: semper fi and Godspeed.

But of those departing the Congress this year, few rival the erudition, warmth, and spirit of Senator LAMAR ALEXANDER. He is a true renaissance man, who excelled in the academy as president of the University of Tennessee, served our country first as Governor, then as Senator, and has entertained scores of captivated listeners with his skills at a piano. Those of us in the U.S. Senate who have had the distinct pleasure of working with LAMAR ALEXANDER recognize his talent for building consensus and reaching across the aisle to hammer out real solutions to the problems facing the American people. I am particularly grateful for his work on the Senate Committee on Energy and Natural Resources, leading the charge to publish a report on our Nation's competitiveness in science and technology. That report, ''Rising Above the Gathering Storm,'' produced findings that have been vital to the promotion of increased funding for science and STEM education in my

State of Maryland and across the country. And his leadership in shepherding through the Great American Outdoors Act has allowed for serious investments in our Nation's public lands, our conservation efforts, and our outdoor economy. Senator ALEXANDER's commitment to bridge-building presents a model for how the U.S. Congress can come together, despite the nature of these divisive times. He will be dearly missed.

Lastly, I would like to extend a warm farewell to my colleague Senator CORY GARDNER from the great State of Colorado. CORY GARDNER and I first met in the House of Representatives in 2011. I had just started my fifth term representing Maryland in the House, and then-Congressman GARDNER was being sworn in for the first time as the Member from Colorado's fourth. We got to know each other even better in 2017, when I joined the U.S. Senate and served as the chair of the Democratic Senatorial Campaign Committee opposite Senator GARDNER, who was chairing the National Republican Senatorial Committee. We didn't always agree on how best to move our country forward, but I have no doubt in my mind that Senator GARDNER has served our country with unceasing optimism and love for his State. He possesses a profound and deep respect for our Nation's history and institutions. I send my best to him and his family.

GOVERNMENT SPENDING

Mr. PAUL. Mr. President, the Federal Government brought in $3.3 trillion in revenue last year and spent $6.6 trillion for a record-setting $3.3 trillion deficit. If you are looking for more COVID bailout money, we don't have any. The coffers are bare. We have no rainy day fund. We have no savings account. Congress has spent all of the money. Congress spent all of the money a long time ago.

The economic damage from the pandemic is not the reason for this runaway spending. This has gone on for decades. Today's money is gone, so Congress is spending tomorrow's money. When you look at a graph of our projected spending, you see a big spike this year. The spike is a mountain of money doled out to pay for the economic ruin of the government mandates.

When we talk about spending tomorrow's money, this is not just money we will need next month; this is money we will need in a decade—money we will need in one, two, and three generations from now. For national defense. For infrastructure. This is money that your children and grandchildren will pay back with interest, and it is going up by more than a trillion dollars every year.

Instead of enjoying the same wealth and opportunity that we have enjoyed in this country, our children will be stuck paying our bills—with interest. Every taxpaying American already owes $136,754 today, and they are staring at a red-ink projection into the future. We are $27 trillion in total debt today. How do we expect a child to have economic opportunity when crushing debt is their inheritance from Congress?

The numbers are mind-boggling. It is hard to conceive of a billion dollars, much less a trillion dollars. How big is a billion? Well, a billion seconds ago was 1988 and Reagan was still President. A billion minutes ago, Jesus walked the shore of the Sea of Galilee. A billion hours ago, man still lived in caves. But a billion dollars ago—as spent by the Federal Government—that was just 80 minutes ago. That is right, the Federal Government spends a billion dollars every 80 minutes.

All of this should be setting off alarm bells, but the only alarm bells in Congress are sounding the alarm for more spending, more debt. No cuts. No offsets. No pay-fors. No prioritization. Just debt. Spend all the money and leave the future to figure itself out. Our budget deficit for 2020 was $3.3 trillion, and we are projected to have a deficit of nearly $2 trillion in 2021. And that was before any additional spending on another round of coronavirus bailout money.

By refusing to acknowledge the debt crisis, we are only hastening the day of economic reckoning. Total debt was 55 percent of GDP 20 years ago; today it is 128 percent. The World Bank estimates there is a tipping point of debt to GDP at about 77 percent. Every percentage point after that costs about one-tenth of 1 percent of economic growth. We are at 128 percent, which means Congress's continued borrowing is costing the U.S. economy about 8 percent growth each year.

We are borrowing and worsening this debt crisis, in part, because too many Governors and mayors have imposed heavyhanded restrictions that crush businesses. The pandemic itself was disruptive, but Congress is being asked to help perpetuate lockdowns and shutdowns through bailouts and debt. Every bailout dollar printed and passed out to Governors only allows these tin pot dictators to perpetuate the lockdowns. Their rules are arbitrary, and Governors and mayors across the country are picking winners and losers. Businesses, some that have been in families for generations, are being wiped out because they are not not allowed to offer their services. Restaurants have to close for indoor dining, but then they are told they can stay open at limited capacity, but then they are told they have to close again, but then they are told that they can reopen but bars have to close. Confusing doesn't explain the half of it.

Bars are told they can only serve alcohol if people are sitting and not standing and only if they have heavy foods on their menus. Restaurants are told they can serve outdoors, then have that permission revoked after they have sunk time and money converting their restaurant to outdoor service. But a caterer can still serve outdoors.

Businesses are told they have to close at an arbitrary time determined by government officials, as though the virus only comes out late at night. A business in one Zip Code can be open but one in the adjoining Zip Code has to close, as if the virus can't cross an imaginary line.

Airlines are allowed to fly but hotels have to limit their occupancy, so you may not have anywhere to stay when you get there.

Mom-and-pop stores and specialty stores are forced to close, but big box competitors are allowed to stay open because they have a grocery aisle. But then other States roped off random sections of stores. How is any business expected to survive that kind of regulation?

Meanwhile, many schools remain closed despite overwhelming evidence showing kids can safely learn in-person with basic precautions, which means parents can't go to work, which has forced many parents to leave their jobs to take care of home-bound kids. Now they have no income because the government forced them to leave their jobs to take care of their kids, and many kids are struggling with an improvised virtual school.

The need for help is real. I hear it every day from Kentuckians and across the country. But it is clear that government has worsened the economic damage and acted as the biggest obstacle to economic recovery.

There is no free money to get us out of this situation. In fact, there is no more money at all. The answer is not printing up and distributing ''free money'' to everyone. The answer is immediately opening the economy. We can choose to let our economies open, with guidance and precautions but not obstruction. Let people rebuild their livelihoods. Reopen our schools so kids can learn and parents can go back to working and earning a living. Congress should do away with automatic spending increases and scrutinize where in our budget we can find savings to pay for the pressing needs arising from the pandemic. This is what I prefer and what I have proposed. Or Congress can follow the status quo: Congress can continue to borrow from our kids—the same ones whom we have locked out of schools. Congress can keep enabling the shutting down of business by force, spend all of today's money and all of tomorrow's money. Then good luck figuring out how to pay for all of this massive debt.

It doesn't have to be this way. This debt crisis is a preventable crisis. It is not too late to change our course. Cut unnecessary spending, eliminate waste, stop fighting a $50 billion per year forever war in Afghanistan. Make the hard decisions now. We can't keep pretending that more debt is a sustainable policy course. Leadership is not passing on the problem to someone who can't protest, leadership is making the

hard choices now. That is what we have to do. I will oppose this new debt, and I will continue to sound the alarm until we change our course here in Congress.

RECOGNIZING THE SHEPHERD COMMUNITY CENTER

Mr. YOUNG. Mr. President, I rise to recognize Shepherd Community Center's 35 years of service to individuals and families on the near eastside of Indianapolis, IN. Since 1985, this faith-based, inner-city ministry has operated with the mission to ''break the cycle of poverty on the near Eastside of Indianapolis by engaging and empowering the community to cultivate healthy children, strong families, and vibrant neighborhoods through a Christ-centered approach that meets the physical, emotional, spiritual, and academic needs of our neighbors.''

Shepherd Community Center serves the near Eastside of Indianapolis, where poverty rates in the area reach as high as 38.6 percent and 8 of 10 children rely on school as their primary source of food during the week. Shepherd provides hope and support to its neighbors through a unique and holistic approach Shepherd calls its Continuum of Care. The Continuum of Care is a full set of programs that allows Shepherd to be continuously engaged in the lives of neighborhood children, teens, and their parents. It is designed to help area families overcome the challenges they may be facing in all areas: physical, emotional, spiritual, and academic.

Shepherd's approach has consistently yielded positive results, and families in its programs have become stronger physically, emotionally, spiritually, and financially. Shepherd's students also attain higher academic achievement. In an area where only 33 percent of entering freshmen graduate high school and only 75 percent of those who graduate go on to college, nearly 90 percent of Shepherd's seniors graduate and go on to college, job training, or the military.

Shepherd's history dates to the fall of 1984, when the Westside Church of the Nazarene sent a group of volunteers to Central Nazarene Church to serve a Thanksgiving meal. In February 1985, that simple meal blossomed into an organization: Central Nazarene Mission. A few years later, the name was changed to Shepherd Community Center. Reverend Dean Cowles was the founding director and served in that role for Shepherd's first 4 years. Reverend John Hay, Jr. served for the next few years. Following Hay's departure, Cowles returned and served yet another 4 years. After a few years of transition, Reverend Jay Height was named executive director in 1998 and continues to serve today.

And my friend Reverend Height has been a tireless champion for families on the near Eastside every day since then. In a 35th anniversary year when the COVID–19 pandemic compounded the challenges facing families in the area, Reverend Height and the Shepherd Community team met those challenges head on, and arm-in-arm with their neighbors. In a recent article in the Indianapolis Star, Reverend Height said, ''Hope is a precious commodity. When it's lost, the consequences for human life are devastating.''

I agree, Reverend Height. And I know the countless families of Indianapolis that Shepherd has served in its first 35 years are eternally grateful that Shepherd has been a custodian of hope for our capital city. On behalf of those families and the State of Indiana, I congratulate you on the 35th anniversary of Shepherd Community Center, I thank everyone who has worked and sacrificed in order to bless their neighborhoods through the work of Shepherd and wish the Shepherd Community Center all the best as it carries on that good and crucial work.

TRIBUTE TO MIKE ANDERSON

Mr. SULLIVAN. Mr. President. I would like recognize a critical member of my staff, Mike Anderson, who left my office in August to pursue a legal career his hometown of Anchorage, AK, something he has aspired to do since a young age.

Communications director was a more than appropriate title for Mike. He directed so much of our communication, both internally and externally. You would often find Mike going from staff member to staff member, asking them questions, relaying information from one team to the next. In our office, if you had a question about what anybody was up to, you would ask Mike. That is a special quality. We miss it very much.

Mike is no stranger to Alaska political offices. Fresh out of college at the University of Alaska Fairbanks, he took a job with Congressman DON YOUNG, and then worked for Senator LISA MURKOWSKI. In 2014, I was looking for someone to help with communications on my campaign. It was the first time I had run for office, and I was running against an incumbent with big name recognition. Mike came on board. He took a chance on me—it is something I will never forget.

He had been taking law classes at night at the Catholic University of America for the past few years working in my office. He balanced it all, was on the clock around the clock, and did it with grace and humor. He was our office communicator, but he was also the office friend—the person you would go to for advice on things big and small, the person you would call on for an assist if you needed to move. It helped that he is a short 6′8″. Mike always showed up. Working together—as one team, one fight—we got big things done for our State.

Mike is going to make a great lawyer in Alaska. As a State, we have so much potential: the biggest fisheries in the country, the largest energy fields, an array of military complexes, and fascinating Alaska Native legal issues. More than anything, Alaska needs good leaders with integrity—hard-working people like Mike, who love their State and give it their all. We haven't seen the last of Mike. He will always be a part of our team. And I am sure that we will always work together to make sure Alaska thrives.

So good luck to you, Mike. You left a mark and a hole. Best wishes on a bright future ahead.

TRIBUTE TO KAREN ROBB

Mr. VAN HOLLEN. Mr. President, I rise to recognize an extraordinary member of my staff who retired from the Senate earlier this year, Karen Robb.

For 15 years, Karen Robb served as a critical senior member of my staff, first in my House office and then in the Senate. Karen is a trusted adviser, skilled leader, and wonderful friend. Over the years she has been a key partner in many of our successful legislative initiatives and was a tireless advocate for the people of Maryland. A humble and committed public servant, Karen is driven by her deep-rooted values and a strong commitment to public service and the institution of the Congress.

Karen was already a seasoned pro on Capitol Hill when she joined my team as chief of staff in the House of Representatives office 15 years ago. She had previously served as Deputy Assistant to President Clinton in the Office of Legislative Affairs, chief of staff to Senator John Edwards, democratic staff director for the Senate Judiciary Committee under then-Senator Joe Biden, and chief counsel to Senator Dennis DeConcini. Her extensive experience in both the legislative and executive branches helped us achieve significant victories for Maryland and pass priorities important to the American people.

An attorney, Karen has always identified first as a policy wonk with particularly deep knowledge of the judiciary, and I drafted her into becoming an expert on campaign finance reform and election issues. She worked with Fred Wertheimer of Democracy 21 and other reformers to change the political finance system through legislation and the courts. Karen worked tirelessly to help draft the Lobbying Transparency Act, legislation I introduced to shine a light on lobbyist bundling of political contributions that ultimately became law as part of an ethics reform package. Many Members of Congress opposed the effort, but it was the right thing to do, and with the support of Speaker PELOSI, it passed in the House, while Senators Obama and Feingold pushed it through in the Senate.

After the Supreme Court's notorious decision in Citizens United v. Federal Election Commission, we worked for

months to write and pass the DISCLOSE Act in the House of Representatives. The DISCLOSE Act is based on the idea that voters have a right to know what individuals and interests are financing the political advertisements trying to influence their votes. It was vigorously opposed by deep-pocketed special interests that prefer to operate in the dark and hide behind front organizations, but Karen kept at it. She spent countless hours negotiating every comma and definition. With perseverance, we succeeded in eking out a victory of 219 to 206 in the House. The Senate version failed by one vote, and we have been trying to pass it here ever since.

Karen helped us pass legislation protecting whistleblowers who put their careers at risk to expose wrongdoing—an issue that has become even more important in recent years. She recognized that the success of our democracy depends on people's willingness to speak truth to power, and it is our job to advance the truth for the public good.

During my time in the House, Karen served in a number of key roles, including as policy director of my Assistant to the Speaker's Office, where she accompanied me to all the House leadership meetings as well as the House-Senate bicameral leadership meetings. She always had good insights and was respected by all. Karen also served as counsel on the House Budget Committee during the time I was the ranking member on the committee and played an important role during my participation in the bipartisan budget negotiations headed by then-Vice President Biden. During our tenure on the House Budget Committee, House Democrats proposed budgets to expand economic opportunity for all, strengthen Medicare and Social Security, put our country on a path for strong jobs and wage growth, and much more. She was at the center of these efforts and understood that budgets are more than just lists of programs and tabulations of dollars and cents—they represent the priorities and values of the American people.

Upon arriving in the Senate, Karen's deep roots in the Upper Chamber got us off to a quick start. She set up our office and had an insider's knowledge of how to navigate many of the Senate's byzantine traditions and processes. With her wise guidance, we were able to achieve much for Marylanders in a short time.

Karen's love for the twists and turns of lawmaking and politics is surpassed only by her love of children and animals—her first stop after leaving our office was the Nyumbani AIDS orphanage in Kenya, where she has served as a guardian angel for many years. She has helped to raise funds for supplies for the orphanage while taking a direct personal interest in the children who live there, sharing photos and stories and delighting in their growth and progress. Karen's charitable efforts have never been abstract—she has personally hauled supplies on her trips to Nyumbani, and, in the wake of Hurricane Katrina, she jumped in her car and drove to New Orleans to help rescue and rehome animals. While a loss to the Senate, Karen's retirement gives her more time to spend on the many causes close to her heart, including to her continued service on the Nyumbani board of directors.

Karen Robb was not a bystander to any project she embarked on. She was hands-on, all in, and whatever it takes. From the smallest detail to the biggest obstacle, she threw herself into her work and our lives. She is a compassionate person who always puts others first. My family and I will be forever grateful for Karen's friendship, many talents, and loyal service. Our entire team will miss her and the wisdom she brought to the often-hectic world of congressional offices. I wish her the very best as she embarks on her new adventures.

MESSAGES FROM THE HOUSE

At 10:41 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 3989. An act to amend the United States Semiquincentennial Commission Act of 2016 to modify certain membership and other requirements of the United States Semiquincentennial Commission, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 3250. An act to require the Secretary of the Interior to conduct a special resource study of the sites associated with the life and legacy of the noted American philanthropist and business executive Julius Rosenwald, with a special focus on the Rosenwald Schools, and for other purposes.

H.R. 5472. An act to redesignate the Jimmy Carter National Historic Site as the ''Jimmy Carter National Historical Park''.

H.R. 5852. An act to redesignate the Weir Farm National Historic Site in the State of Connecticut as the ''Weir Farm National Historical Park''.

H.R. 6535. An act to deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes.

H.R. 7460. An act to extend the authority for the establishment by the Peace Corps Commemorative Foundation of a commemorative work to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded, and for other purposes.

At 3:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 979. An act to amend the Post-Katrina Emergency Management Reform Act of 2006 to incorporate the recommendations made by the Government Accountability Office relating to advance contracts, and for other purposes.

S. 2730. An act to establish and ensure an inclusive and transparent Drone Advisory Committee.

S. 3418. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow the Administrator of the Federal Emergency Management Agency to provide capitalization grants to States to establish revolving funds to provide hazard mitigation assistance to reduce risks from disasters and natural hazards, and other related environmental harm.

S. 5036. An act to amend the Overtime Pay for Protective Services Act of 2016 to extend the Secret Service overtime pay exception through 2023, and for other purposes.

At 6:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 107. Joint resolution making further continuing appropriations for fiscal year 2021, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3797. An act to amend the Controlled Substances Act to make marijuana accessible for use by qualified marijuana researchers for medical purposes, and for other purposes; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANDERS:

S. 5063. A bill to amend the Internal Revenue Code of 1986 to provide additional recovery rebates to individuals; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Ms. HASSAN, and Mr. LANKFORD):

S. 5064. A bill to amend the Internal Revenue Code of 1986 to increase retirement savings, to improve retirement plan administration, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. CARPER, Ms. STABENOW, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Ms. HIRONO, Mr. BOOKER, Ms. DUCKWORTH, Ms. HARRIS, Mr. UDALL, Mr. CARDIN, Ms. BALDWIN, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. SCHATZ, Mr. SANDERS, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. HEINRICH, and Mr. PETERS):

S. 5065. A bill to provide more than $435,000,000,000 in immediate and long-term investments in communities to promote economic justice, and for other purposes; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. MERKLEY, Ms. COLLINS, and Mr. KING):

S. 5066. A bill to amend the Poultry Products Inspection Act and the Federal Meat Inspection Act to support small and very small meat and poultry processing establishments,

and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. ROSEN (for herself and Mr. CRAMER):

S. 5067. A bill to provide a credit against payroll taxes to businesses and nonprofit organizations that purchase or upgrade ventilation and air filtration systems to help prevent the spread of COVID–19 and other airborne communicable diseases; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 5068. A bill to direct the Secretary of Labor to award formula and competitive grants for layoff aversion activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO:

S. 5069. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for educational assistance programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCOTT of Florida (for himself, Mr. TILLIS, Mr. WICKER, Mr. BOOZMAN, Mr. CRAMER, Mr. PERDUE, Mr. ROUNDS, Mr. RUBIO, Mrs. BLACKBURN, Mr. COTTON, Mr. HOEVEN, Mr. BRAUN, Mrs. LOEFFLER, Mr. CRUZ, Mrs. HYDE-SMITH, Mr. LANKFORD, Mr. BARRASSO, Mr. PAUL, and Mr. DAINES):

S. Res. 806. A resolution defending the free exercise of religion; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. Res. 807. A resolution urging the Government of Uganda and all parties to respect human, civil, and political rights and ensure free and fair elections in January 2021, and recognizing the importance of multiparty democracy in Uganda; to the Committee on Foreign Relations.

By Mr. BOOKER (for himself, Mr. SCOTT of South Carolina, Mr. BROWN, Mr. GRAHAM, Mr. JONES, Mr. RUBIO, Mr. MARKEY, Mr. BLUMENTHAL, Ms. SMITH, and Mr. CARDIN):

S. Res. 808. A resolution congratulating the National Urban League on 110 years of service empowering African Americans and other underserved communities while helping to foster a more just, equitable, and inclusive United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 568

At the request of Mr. BENNET, his name was added as a cosponsor of S. 568, a bill to amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

S. 1267

At the request of Mr. MENENDEZ, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 1267, a bill to establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

S. 1920

At the request of Mr. VAN HOLLEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1920, a bill to establish jobs programs for long-term unemployed workers, and for other purposes.

S. 2561

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2561, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 4494

At the request of Ms. HASSAN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 4494, a bill to amend title VI of the Social Security Act to extend the period with respect to which amounts under the Coronavirus Relief Fund may be expended.

S. 4641

At the request of Mr. BENNET, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 4641, a bill to amend the Mineral Leasing Act to provide for transparency and landowner protections in the conduct of lease sales under that Act, and for other purposes.

S. 5028

At the request of Mr. BENNET, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 5028, a bill to amend the Federal Election Campaign Act of 1971 to require each authorized committee or leadership PAC of a former candidate for election for Federal office to disburse all of the remaining funds of the committee or PAC after the election, and for other purposes.

S. CON. RES. 9

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 624

At the request of Mr. COONS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 624, a resolution expressing the sense of the Senate that the activities of Russian national Yevgeniy Prigozhin and his affiliated entities pose a threat to the national interest and national security of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mrs. MURRAY, Mr. WYDEN, Mr. DURBIN, Mr. REED, Mr. CARPER, Ms. STABENOW, Mr. BROWN, Mr. WARNER, Mrs. GILLIBRAND, Ms. HIRONO, Mr. BOOKER, Ms. DUCKWORTH, Ms. HARRIS, Mr. UDALL, Mr. CARDIN, Ms. BALDWIN, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. SCHATZ, Mr. SANDERS, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. HEINRICH, and Mr. PETERS):

S. 5065. A bill to provide more than $435,000,000,000 in immediate and long-term investments in communities to promote economic justice, and for other purposes; to the Committee on Finance.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 5065

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Economic Justice Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is the following:

SEC. 3. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

TITLE I—CHILD CARE IS ESSENTIAL PROGRAM

SEC. 1001. CHILD CARE IS ESSENTIAL PROGRAM.

(a) DEFINITIONS.—In this section, the terms ''eligible child care provider'', ''Indian tribe'', ''lead agency'', ''tribal organization'', ''Secretary'', and ''State'' have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) except as otherwise provided in this section.

(b) GRANTS.—From funds appropriated to carry out this section and under the authority of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C.

9858m) and this section, the Secretary shall establish a Child Care Stabilization Fund grants program, through which the Secretary shall award child care stabilization grants to the lead agency of each State (as defined in that section 658O), territory described in subsection (a)(1) of such section, Indian tribe, and tribal organization from allotments and payments made under subsection (c)(2), not later than 30 days after the date of enactment of this Act.

(c) SECRETARIAL RESERVATION AND ALLOTMENTS.—

(1) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds appropriated to carry out this section for the Federal administration of grants described in subsection (b). Amounts reserved by the Secretary for such administration shall remain available through fiscal year 2024.

(2) ALLOTMENTS.—The Secretary shall use the remainder of the funds appropriated to carry out this section to award allotments to States, as defined in section 658O of the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858m), and payments to territories, Indian tribes, and tribal organizations in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b), of section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m).

(d) STATE RESERVATIONS AND SUBGRANTS.—

(1) RESERVATION.—A lead agency for a State that receives a child care stabilization grant pursuant to subsection (b) shall reserve not more than 10 percent of such grant funds—

(A) to administer subgrants made to qualified child care providers under paragraph (2), including to carry out data systems building and other activities that enable the disbursement of payments of such subgrants;

(B) to provide technical assistance and support in applying for and accessing the subgrant opportunity under paragraph (2), to eligible child care providers (including to family child care providers, group home child care providers, and other non-center-based child care providers, providers in rural areas, and providers with limited administrative capacity), either directly or through resource and referral agencies or staffed family child care networks;

(C) to publicize the availability of subgrants under this section and conduct widespread outreach to eligible child care providers, including family child care providers, group home child care providers, and other non-center-based child care providers, providers in rural areas, and providers with limited administrative capacity, either directly or through resource and referral agencies or staffed family child care networks, to ensure eligible child care providers are aware of the subgrants available under this section;

(D) to carry out the reporting requirements described in subsection (f); and

(E) to carry out activities to improve the supply and quality of child care during and after the qualifying emergency, such as conducting community needs assessments, carrying out child care cost modeling, making improvements to child care facilities, increasing access to licensure or participation in the State's tiered quality rating system, and carrying out other activities described in section 658G(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(b)), to the extent that the lead agency can carry out activities described in this subparagraph without preventing the lead agency from fully conducting the activities described in subparagraphs (A) through (D).

(2) SUBGRANTS TO QUALIFIED CHILD CARE PROVIDERS.—

(A) IN GENERAL.—The lead agency shall use the remainder of the grant funds awarded pursuant to subsection (b) to make subgrants to qualified child care providers described in subparagraph (B), to support the stability of the child care sector during and after the qualifying emergency and to ensure the maintenance of a delivery system of child care services throughout the State that provides for child care in a variety of settings, including the settings of family child care providers, and for a variety of ages, including care for infants and toddlers. The lead agency shall provide the subgrant funds in advance of provider expenditures for costs described in subsection (e), except as provided in subsection (e)(2).

(B) QUALIFIED CHILD CARE PROVIDER.—To be qualified to receive a subgrant under this paragraph, a provider shall be an eligible child care provider that—

(i) was providing child care services on or before March 1, 2020; and

(ii) on the date of submission of an application for the subgrant, was either—

(I) open and available to provide child care services; or

(II) closed due to the qualifying emergency.

(C) SUBGRANT AMOUNT.—The lead agency shall make subgrants, from amounts awarded pursuant to subsection (b), to qualified child care providers, and the amount of such a subgrant to such a provider shall—

(i)(I) be based on the provider's stated average operating expenses during the period (of not longer than 6 months) before March 1, 2020 or, for a provider that operates seasonally, during a period (of not longer than 6 months) before the provider's last day of operation; and

(II) at minimum cover such operating expenses for the intended length of the subgrant;

(ii) account for increased costs of providing or preparing to provide child care as a result of the qualifying emergency, such as provider and employee compensation and existing benefits (existing as of March 1, 2020) and the implementation of new practices related to sanitization, group size limits, and social distancing;

(iii) be adjusted for payments or reimbursements made to an eligible child care provider to carry out the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) or the Head Start Act (42 U.S.C. 9831 et seq.) if the period of such payments or reimbursements overlaps with the period of the subgrant; and

(iv) be adjusted for payments or reimbursements made to an eligible child care provider through the Paycheck Protection Program set forth in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as added by section 1102 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) if the period of such payments or reimbursements overlaps with the period of the subgrant.

(D) APPLICATION.—

(i) ELIGIBILITY.—To be eligible to receive a subgrant under this paragraph, a child care provider shall submit an application to a lead agency at such time and in such manner as the lead agency may require. Such application shall include—

(I) a good-faith certification that the ongoing operations of the child care provider have been impacted as a result of the qualifying emergency;

(II) for a provider described in subparagraph (B)(ii)(I), an assurance that, for the period of the subgrant—

(aa) the provider will give priority for available slots (including slots that are only temporarily available) to—

(AA) children of essential workers (such as health care sector employees, emergency responders, sanitation workers, farmworkers, child care employees, and other workers determined to be essential during the response to COVID–19 by public officials), children of workers whose places of employment require their attendance, children experiencing homelessness, children with disabilities, children at risk of child abuse or neglect, and children in foster care, in States, tribal communities, or localities where stay-at-home or related orders are in effect; or

(BB) children of workers whose places of employment require their attendance, children experiencing homelessness, children with disabilities, children at risk of child abuse or neglect, children in foster care, and children whose parents are in school or a training program, in States, tribal communities, or localities where stay-at-home or related orders are not in effect;

(bb) the provider will implement policies in line with guidance from the Centers for Disease Control and Prevention and the State, tribal, and local health authorities, and in accordance with State, tribal, and local orders, for child care providers that remain open, including guidance on sanitization practices, group size limits, and social distancing;

(cc) for each employee, the provider will pay the full compensation described in subsection (e)(1)(C), including any benefits, that was provided to the employee as of March 1, 2020 (referred to in this clause as ''full compensation''), and will not take any action that reduces the weekly amount of the employee's compensation below the weekly amount of full compensation, or that reduces the employee's rate of compensation below the rate of full compensation; and

(dd) the provider will provide relief from copayments and tuition payments for the families enrolled in the provider's program and prioritize such relief for families struggling to make either type of payment;

(III) for a provider described in subparagraph (B)(ii)(II), an assurance that—

(aa) for the duration of the provider's closure due to the qualifying emergency, for each employee, the provider will pay full compensation, and will not take any action that reduces the weekly amount of the employee's compensation below the weekly amount of full compensation, or that reduces the employee's rate of compensation below the rate of full compensation;

(bb) children enrolled as of March 1, 2020, will maintain their slots, unless their families choose to disenroll the children;

(cc) for the duration of the provider's closure due to the qualifying emergency, the provider will provide relief from copayments and tuition payments for the families enrolled in the provider's program and prioritize such relief for families struggling to make either type of payment; and

(dd) the provider will resume operations when the provider is able to safely implement policies in line with guidance from the Centers for Disease Control and Prevention and the State, tribal, and local health authorities, and in accordance with State, tribal, and local orders;

(IV) information about the child care provider's—

(aa) program characteristics sufficient to allow the lead agency to establish the child care provider's priority status, as described in subparagraph (F);

(bb) program operational status on the date of submission of the application;

(cc) type of program, including whether the program is a center-based child care, family child care, group home child care, or other non-center-based child care type program;

(dd) total enrollment on the date of submission of the application and total capacity as allowed by the State and tribal and local authorities; and

(ee) receipt of assistance, and amount of assistance, through a payment or reimbursement described in subparagraph (C)(iv), and the time period for which the assistance was made;

(V) information necessary to determine the amount of the subgrant, such as information about the provider's stated average operating expenses over the appropriate period described in subparagraph (C)(i); and

(VI) such other limited information as the lead agency shall determine to be necessary to make subgrants to qualified child care providers.

(ii) FREQUENCY.—The lead agency shall accept and process applications submitted under this subparagraph on a rolling basis.

(iii) UPDATES.—The lead agency shall—

(I) at least once a month, verify by obtaining a self-attestation from each qualified child care provider that received such a subgrant from the agency, whether the provider is open and available to provide child care services or is closed due to the qualifying emergency;

(II) allow the qualified child care provider to update the information provided in a prior application; and

(III) adjust the qualified child care provider's subgrant award as necessary, based on changes to the application information, including changes to the provider's operational status.

(iv) EXISTING APPLICATIONS.—If a lead agency has established and implemented a grant program for child care providers that is in effect on the date of enactment of this Act, and an eligible child care provider has already submitted an application for such a grant to the lead agency containing the information specified in clause (i), the lead agency shall treat that application as an application submitted under this subparagraph. If an eligible child care provider has already submitted such an application containing part of the information specified in clause (i), the provider may submit to the lead agency an abbreviated application that contains the remaining information, and the lead agency shall treat the 2 applications as an application submitted under this subparagraph.

(E) MATERIALS.—

(i) IN GENERAL.—The lead agency shall provide the materials and other resources related to such subgrants, including a notification of subgrant opportunities and application materials, to qualified child care providers in the most commonly spoken languages in the State.

(ii) APPLICATION.—The application shall be accessible on the website of the lead agency within 30 days after the lead agency receives grant funds awarded pursuant to subsection (b) and shall be accessible to all eligible child care providers, including family child care providers, group home child care providers, and other non-center-based child care providers, providers in rural areas, and providers with limited administrative capacity.

(F) PRIORITY.—In making subgrants under this section, the lead agency shall give priority to qualified child care providers that, prior to or on March 1, 2020—

(i) provided child care during nontraditional hours;

(ii) served dual language learners, children with disabilities, children experiencing homelessness, children in foster care, children from low-income families, or infants and toddlers;

(iii) served a high proportion of children whose families received subsidies under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the child care; or

(iv) operated in localities, including rural localities, with a low supply of child care.

(G) PROVIDERS RECEIVING OTHER ASSISTANCE.—The lead agency, in determining whether a provider is a qualified child care provider, shall not take into consideration receipt of a payment or reimbursement described in clause (iii) or (iv) of subparagraph (C).

(H) AWARDS.—The lead agency shall equitably make subgrants under this paragraph to center-based child care providers, family child care providers, group home child care providers, and other non-center-based child care providers, such that qualified child care providers are able to access the subgrant opportunity under this paragraph regardless of the providers' setting, size, or administrative capacity.

(I) OBLIGATION.—The lead agency shall obligate at least 50 percent of funds available to carry out this section for subgrants described in this paragraph not later than 6 months after the date of enactment of this Act.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A qualified child care provider that receives funds through such a subgrant may use the funds for the costs of—

(A) payroll;

(B) employee benefits, including group health plan benefits during periods of paid sick, medical, or family leave, and insurance premiums;

(C) employee salaries or similar compensation, including any income or other compensation to a sole proprietor or independent contractor that is a wage, commission, income, net earnings from self-employment, or similar compensation;

(D) employee recruitment and retention;

(E) payment on any mortgage obligation;

(F) rent (including rent under a lease agreement);

(G) utilities and facilities maintenance;

(H) insurance;

(I) providing premium pay for child care providers and other employees who provide services during the qualifying emergency;

(J) sanitization and other costs associated with cleaning;

(K) personal protective equipment and other equipment necessary to carry out the functions of the child care provider;

(L) training and professional development related to health and safety practices, including the proper implementation of policies in line with guidance from the Centers for Disease Control and Prevention and the State, tribal, and local health authorities, and in accordance with State, tribal, and local orders;

(M) purchasing or updating equipment and supplies to serve children during nontraditional hours;

(N) modifications to child care services as a result of the qualifying emergency, such as limiting group sizes, adjusting staff-to-child ratios, and implementing other heightened health and safety measures;

(O) mental health services and supports for children and employees; and

(P) other goods and services necessary to maintain or resume operation of the child care program, or to maintain the viability of the child care provider as a going concern during and after the qualifying emergency.

(2) REIMBURSEMENT.—The qualified child care provider may use the subgrant funds to reimburse the provider for sums obligated or expended before the date of enactment of this Act for the cost of a good or service described in paragraph (1) to respond to the qualifying emergency.

(f) REPORTING.—

(1) INITIAL REPORT.—A lead agency receiving a grant under this section shall, within 60 days after making the agency's first subgrant under subsection (d)(2) to a qualified child care provider, submit a report to the Secretary that includes—

(A) data on qualified child care providers that applied for subgrants and qualified child care providers that received such subgrants, including—

(i) the number of such applicants and the number of such recipients;

(ii) the number and proportion of such applicants and recipients that received priority and the characteristic or characteristics of such applicants and recipients associated with the priority;

(iii) the number and proportion of such applicants and recipients that are—

(I) center-based child care providers;

(II) family child care providers;

(III) group home child care providers; or

(IV) other non-center-based child care providers; and

(iv) within each of the groups listed in clause (iii), the number of such applicants and recipients that are, on the date of submission of the application—

(I) open and available to provide child care services; or

(II) closed due to the qualifying emergency;

(B) the total capacity of child care providers that are licensed, regulated, or registered in the State on the date of the submission of the report;

(C) a description of—

(i) the efforts of the lead agency to publicize the availability of subgrants under this section and conduct widespread outreach to eligible child care providers about such subgrants, including efforts to make materials available in languages other than English;

(ii) the lead agency's methodology for determining amounts of subgrants under subsection (d)(2);

(iii) the lead agency's timeline for disbursing the subgrant funds; and

(iv) the lead agency's plan for ensuring that qualified child care providers that receive funding through such a subgrant comply with assurances described in subsection (d)(2)(D) and use funds in compliance with subsection (e); and

(D) such other limited information as the Secretary may require.

(2) QUARTERLY REPORT.—The lead agency shall, following the submission of such initial report, submit to the Secretary a report that contains the information described in subparagraphs (A), (B), and (D) of paragraph (1) once a quarter until all funds allotted for activities authorized under this section are expended.

(3) FINAL REPORT.—Not later than 60 days after a lead agency receiving a grant under this section has obligated all of the grant funds (including funds received under subsection (h)), the lead agency shall submit a report to the Secretary, in such manner as the Secretary may require, that includes—

(A) the total number of eligible child care providers who were providing child care services on or before March 1, 2020, in the State and the number of such providers that submitted an application under subsection (d)(2)(D);

(B) the number of qualified child care providers in the State that received funds through the grant;

(C) the lead agency's methodology for determining amounts of subgrants under subsection (d)(2);

(D) the average and range of the subgrant amounts by provider type (center-based child care, family child care, group home child care, or other non-center-based child care provider);

(E) the percentages, of the child care providers that received such a subgrant, that, on or before March 1, 2020—

(i) provided child care during nontraditional hours;

(ii) served dual language learners, children with disabilities, children experiencing homelessness, children in foster care, children from low-income families, or infants and toddlers;

(iii) served a high percentage of children whose families received subsidies under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) for the child care; and

(iv) operated in localities, including rural localities, with a low supply of child care;

(F) the number of children served by the child care providers that received such a subgrant, for the duration of the subgrant;

(G) the percentages, of the child care providers that received such a subgrant, that are—

(i) center-based child care providers;

(ii) family child care providers;

(iii) group home child care providers; or

(iv) other non-center-based child care providers;

(H) the percentages, of the child care providers listed in subparagraph (G) that are, on the date of submission of the application—

(i) open and available to provide child care services; or

(ii) closed due to the qualifying emergency;

(I) information about how child care providers used the funds received under such a subgrant;

(J) information about how the lead agency used funds reserved under subsection (d)(1); and

(K) information about how the subgrants helped to stabilize the child care sector.

(4) REPORTS TO CONGRESS.—

(A) FINDINGS FROM INITIAL REPORTS.—Not later than 60 days after receiving all reports required to be submitted under paragraph (1), the Secretary shall provide a report to the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, summarizing the findings from the reports received under paragraph (1).

(B) FINDINGS FROM FINAL REPORTS.—Not later than 36 months after the date of enactment of this Act, the Secretary shall provide a report to the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, summarizing the findings from the reports received under paragraph (3).

(g) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services for eligible individuals, including funds provided under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) and State child care programs.

(h) REALLOTMENT OF UNOBLIGATED FUNDS.—

(1) UNOBLIGATED FUNDS.—A State, Indian tribe, or tribal organization that anticipates being unable to obligate all grant funds received under this section by September 30, 2022 shall notify the Secretary, at least 60 days prior to such date, of the amount of funds the entity anticipates being unable to obligate by such date. A State, Indian tribe, or tribal organization shall return to the Secretary any grant funds received under this section that the State, Indian tribe, or tribal organization does not obligate by September 30, 2022.

(2) REALLOTMENT.—The Secretary shall award new allotments and payments, in accordance with subsection (c)(2), to covered States, Indian tribes, or tribal organizations from funds that are returned under paragraph (1) within 60 days of receiving such funds. Funds made available through the new allotments and payments shall remain available to each such covered State, Indian tribe, or tribal organization until September 30, 2023.

(3) COVERED STATE, INDIAN TRIBE, OR TRIBAL ORGANIZATION.—For purposes of paragraph (2), a covered State, Indian tribe, or tribal organization is a State, Indian tribe, or tribal organization that received an allotment or payment under this section and was not required to return grant funds under paragraph (1).

(i) EXCEPTIONS.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), excluding requirements in subparagraphs (C) through (E) of section 658E(c)(3), section 658G, and section 658J(c) of such Act (42 U.S.C. 9858c(c)(3), 9858e, 9858h(c)), shall apply to child care services provided under this section to the extent the application of such Act does not conflict with the provisions of this section. Nothing in this section shall be construed to require a State, Indian tribe, or tribal organization to submit an application, other than the application described in section 658E or 658O(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c, 9858m(c)), to receive a grant under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not already appropriated, to carry out this section $50,000,000,000 for fiscal year 2020, to remain available until expended.

(2) APPLICATION.—In carrying out the Child Care and Development Block Grant Act of 1990 with funds other than the funds appropriated under paragraph (1), the Secretary shall calculate the amounts of appropriated funds described in subsections (a) and (b) of section 658O of such Act (42 U.S.C. 9858m) by excluding funds appropriated under paragraph (1).

TITLE II—EXPANDING AND IMPROVING ACCESS TO COMMUNITY HEALTH CARE

Subtitle A—Support for Health Centers, Hospitals, and Other Health Care Facilities

SEC. 2101. PRIMARY HEALTH CARE.

In addition to amounts otherwise made available for such purposes, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services, $7,600,000,000, for grants and cooperative agreements under section 330 of the Public Health Service Act (42 U.S.C. 254b), and for grants to Federally qualified health centers (as defined in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395x(aa))) and for eligible entities under the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.). Amounts appropriated under this paragraph shall remain available until expended. Subsections (r)(2)(B), (e)(6)(A)(iii), and (e)(6)(B)(iii) of section 330 of the Public Health Service Act (42 U.S.C. 254) shall not apply to funds provided under this paragraph.

SEC. 2102. ADDITIONAL COMMUNITY HEALTH CENTER FUNDING.

Section 10503 of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2) is amended by striking subsection (c) and inserting the following:

''(c) ADDITIONAL ENHANCED FUNDING; CAPITAL PROJECTS.—There are hereby appropriated, out of any monies in the Treasury not otherwise appropriated, to the CHC Fund, to be transferred to the Secretary of Health and Human Services for capital projects of the community health center program under section 330 of the Public Health Service Act, $2,000,000,000, to remain available until expended.''.

SEC. 2103. TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAM.

For purposes of carrying out the teaching health centers that operate graduate medical education program under section 340H of the Public Health Service Act (42 U.S.C. 256h), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended.

SEC. 2104 HOSPITAL INFRASTRUCTURE.

Section 1610(a) of the Public Health Service Act (42 U.S.C. 300r(a)) is amended by striking paragraph (3) and inserting the following paragraphs:

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants whose projects will include, by design, cybersecurity against cyber threats.

''(4) AMERICAN IRON AND STEEL PRODUCTS.—

''(A) IN GENERAL.—As a condition on receipt of a grant under this section for a project, an entity shall ensure that all of the iron and steel products used in the project are produced in the United States.

''(B) APPLICATION.—Subparagraph (A) shall be waived in any case or category of cases in which the Secretary finds that—

''(i) applying subparagraph (A) would be inconsistent with the public interest;

''(ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

''(C) WAIVER.—If the Secretary receives a request for a waiver under this paragraph, the Secretary shall make available to the public, on an informal basis, a copy of the request and information available to the Secretary concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary shall make the request and accompanying information available by electronic means, including on the official public internet site of the Department of Health and Human Services.

''(D) INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

''(E) MANAGEMENT AND OVERSIGHT.—The Secretary may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this paragraph.

''(F) EFFECTIVE DATE.—This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of enactment of this paragraph.

''(5) FUNDING.—To carry out this subsection, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $750,000,000, to remain available until expended.''.

SEC. 2105. 21ST CENTURY INDIAN HEALTH PROGRAM HOSPITALS AND OUTPATIENT HEALTH CARE FACILITIES.

The Indian Health Care Improvement Act is amended by inserting after section 301 of such Act (25 U.S.C. 1631) the following:

"SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN, CONSTRUCTION, MODERNIZATION, AND RENOVATION OF HOSPITALS AND OUTPATIENT HEALTH CARE FACILITIES.

''(a) ADDITIONAL FUNDING.—For the purpose described in subsection (b), in addition to any other funds available for such purpose, there are hereby appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended.

''(b) PURPOSE.—The purpose described in this subsection is the planning, design, construction, modernization, and renovation of hospitals and outpatient health care facilities that are funded, in whole or part, by the Service through, or provided for in, a contract or compact with the Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).''.

SEC. 2106. PILOT PROGRAM TO IMPROVE COMMUNITY-BASED CARE INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Health and Human Services may award grants to qualified teaching health centers (as defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)) and behavioral health care centers (as defined by the Secretary, to include both substance abuse and mental health care facilities) to support the improvement, renovation, or modernization of infrastructure at such centers.

(b) FUNDING.—To carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended.

SEC. 2107. SCHOOL-BASED HEALTH CENTERS.

(a) ELIMINATION OF LIMITATION ON ELIGIBILITY OF HEALTH CENTERS.—

(1) REPEAL.—Section 399Z–1(f)(3) of the Public Health Service Act (42 U.S.C. 280h–5(f)(3)) is amended by striking subparagraph (B).

(2) CONFORMING CHANGE.—Section 399Z–1(f)(3) of the Public Health Service Act (42 U.S.C. 280h–5(f)(3)) is amended by striking ''LIMITATIONS'' and all that follows through ''Any provider of services'' and inserting ''LIMITATION.—Any provider of services''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 399Z–1(l) of the Public Health Service Act (42 U.S.C. 280h–5(l)) is amended to read as follows:

''(l) FUNDING.—For purposes of carrying out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $70,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.''.

Subtitle B—Support for Health Care Workforce Training

SEC. 2201. GRANTS FOR SCHOOLS OF MEDICINE AND SCHOOLS OF OSTEOPATHIC MEDICINE IN UNDERSERVED AREAS.

Subpart II of part C of title VII of the Public Health Service Act (42 U.S.C. 293m et seq.) is amended by adding at the end the following:

"SEC. 749C. GRANTS FOR SCHOOLS OF MEDICINE AND SCHOOLS OF OSTEOPATHIC MEDICINE IN UNDERSERVED AREAS.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to institutions of higher education (including consortiums of such institutions) for the establishment, improvement, or expansion of a school of medicine or osteopathic medicine, or a branch campus of a school of medicine or osteopathic medicine.

''(b) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any institution of higher education (or consortium of such institutions) that—

''(1) proposes to use the grant for the establishment of a school of medicine or osteopathic medicine, or a branch campus of a school of medicine or osteopathic medicine, in an area—

''(A) in which no other such school is based; and

''(B) that is a medically underserved community or a health professional shortage area; or

''(2) is a minority-serving institution described in section 371(a) of the Higher Education Act of 1965.

''(c) CONSIDERATIONS.—In awarding grants under this section, the Secretary, to the extent practicable, may ensure equitable distribution of awards among the geographical regions of the United States.

''(d) USE OF FUNDS.—An institution of higher education (or a consortium of such institutions)—

''(1) shall use grant amounts received under this section to—

''(A) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and health professions), individuals from rural and underserved areas, low-income individuals, and first generation college students, at a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine; and

''(B) develop, implement, and expand curriculum that emphasizes care for rural and underserved populations, including accessible and culturally and linguistically appropriate care and services, at such school or branch campus; and

''(2) may use grant amounts received under this section to—

''(A) plan and construct—

''(i) a school of medicine or osteopathic medicine in an area in which no other such school is based; or

''(ii) a branch campus of a school of medicine or osteopathic medicine in an area in which no other such school is based;

''(B) plan, develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine;

''(C) hire faculty, including faculty from racial and ethnic groups who are underrepresented among the medical and other health professions, and other staff to serve at such a school or branch campus;

''(D) support educational programs at such a school or branch campus;

''(E) modernize and expand infrastructure at such a school or branch campus; and

''(F) support other activities that the Secretary determines further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine.

''(e) APPLICATION.—To be eligible to receive a grant under subsection (a), an institution of higher education (or a consortium of such institutions), shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a description of the institution's or consortium's planned activities described in subsection (d).

''(f) REPORTING.—

''(1) REPORTS FROM ENTITIES.—Each institution of higher education, or consortium of such institutions, awarded a grant under this section shall submit an annual report to the Secretary on the activities conducted under such grant, and other information as the Secretary may require.

''(2) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this section and every 5 years thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that provides a summary of the activities and outcomes associated with grants made under this section. Such reports shall include—

''(A) a list of awardees, including their primary geographic location, and location of any school of medicine or osteopathic medicine, or a branch campus of school of medicine or osteopathic medicine that was established, improved, or expanded under this program;

''(B) the total number of students (including the number of students from racial and ethnic groups underrepresented among medical students and health professions, low-income students, and first generation college students) who—

''(i) are enrolled at or who have graduated from any school of medicine or osteopathic medicine, or a branch campus of school of medicine or osteopathic medicine, that was established, improved, or expanded under this program, deidentified and disaggregated by race, ethnicity, age, sex, geographic region, disability status, and other relevant factors, to the extent such information is available; and

''(ii) who subsequently participate in an accredited internship or medical residency program upon graduation from any school of medicine or osteopathic medicine, or a branch campus of a school of medicine or osteopathic medicine, that was established, improved, or expanded under this program, deidentified and disaggregated by race, ethnicity, age, sex, geographic region, disability status, medical specialty pursued, and other relevant factors, to the extent such information is available;

''(C) the effects of such program on the health care provider workforce, including any impact on demographic representation disaggregated by race, ethnicity, and sex, and the fields or specialties pursued by students who have graduated from any school of medicine or osteopathic medicine, or a branch campus of school of medicine or osteopathic medicine, that was established, improved, or expanded under this program;

''(D) the effects of such program on health care access in underserved areas, including medically underserved communities and health professional shortage areas; and

''(E) recommendations for improving the program described in this section, and any other considerations as the Secretary determines appropriate.

''(3) PUBLIC AVAILABILITY.—The Secretary shall make reports submitted under paragraph (2) publicly available on the internet website of the Department of Health and Human Services.

''(g) DEFINITIONS.—In this section:

''(1) BRANCH CAMPUS.—

''(A) IN GENERAL.—The term 'branch campus', with respect to a school of medicine or osteopathic medicine, means an additional location of such school that is geographically apart and independent of the main campus, at which the school offers at least 50 percent of the program leading to a degree of doctor of medicine or doctor of osteopathy that is offered at the main campus.

''(B) INDEPENDENCE FROM MAIN CAMPUS.—For purposes of subparagraph (A), the location of a school described in such subparagraph shall be considered to be independent of the main campus described in such subparagraph if the location—

''(i) is permanent in nature;

''(ii) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

''(iii) has its own faculty and administrative or supervisory organization; and

''(iv) has its own budgetary and hiring authority.

''(2) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given such term in section 402A(h)(3) of the Higher Education Act of 1965.

''(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' has the meaning given such term in section 332(a).

''(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965.

''(5) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given such term in section 799B(6).

''(h) FUNDING.—To carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended.''.

SEC. 2202. SUPPORT FOR NURSING EDUCATION AND THE FUTURE NURSING WORKFORCE.

(a) IN GENERAL.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. NURSING EDUCATION ENHANCEMENT AND MODERNIZATION GRANTS IN UNDERSERVED AREAS.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to schools of nursing (as defined in section 801) for—

''(1) increasing the number of faculty and students at such schools in order to enhance the preparedness of the United States for, and the ability of the United States to address and quickly respond to, public health emergencies declared under section 319 and pandemics; or

''(2) the enhancement and modernization of nursing education programs.

''(b) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to schools of nursing that—

''(1) are located in a medically underserved community;

''(2) are located in a health professional shortage area as defined under section 332(a); or

''(3) are institutions of higher education listed under section 371(a) of the Higher Education Act of 1965.

''(c) CONSIDERATION.—In awarding grants under this section, the Secretary, to the extent practicable, may ensure equitable distribution of awards among the geographic regions of the United States.

''(d) USE OF FUNDS.—A school of nursing that receives a grant under this section may use the funds awarded through such grant for activities that include—

''(1) enhancing enrollment and retention of students at such school, with a priority for students from disadvantaged backgrounds (including racial or ethnic groups underrepresented in the nursing workforce), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965);

''(2) creating, supporting, or modernizing educational programs and curriculum at such school;

''(3) retaining current faculty, and hiring new faculty, with an emphasis on faculty from racial or ethnic groups who are underrepresented in the nursing workforce;

''(4) modernizing infrastructure at such school, including audiovisual or other equipment, personal protective equipment, simulation and augmented reality resources, telehealth technologies, and virtual and physical laboratories;

''(5) partnering with a health care facility, nurse-managed health clinic, community health center, or other facility that provides health care in order to provide educational opportunities for the purpose of establishing or expanding clinical education;

''(6) enhancing and expanding nursing programs that prepare nurse researchers and scientists;

''(7) establishing nurse-led intradisciplinary and interprofessional educational partnerships; and

''(8) other activities that the Secretary determines further the development, improvement, and expansion of schools of nursing.

''(e) REPORTS FROM ENTITIES.—Each school of nursing awarded a grant under this section shall submit an annual report to the Secretary on the activities conducted under such grant, and other information as the Secretary may require.

''(f) REPORT TO CONGRESS.—Not later than 5 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that provides a summary of the activities and outcomes associated with grants made under this section. Such report shall include—

''(1) a list of schools of nursing receiving grants under this section, including the primary geographic location of any school of nursing that was improved or expanded through such a grant;

''(2) the total number of students who are enrolled at or who have graduated from any school of nursing that was improved or expanded through a grant under this section, which such statistic shall—

''(A) to the extent such information is available, be deidentified and disaggregated by race, ethnicity, age, sex, geographic region, disability status, and other relevant factors; and

''(B) include an indication of the number of such students who are from racial or ethnic groups underrepresented in the nursing workforce, such students who are from rural or underserved areas, such students who are low-income students, and such students who are first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965);

''(3) to the extent such information is available, the effects of the grants awarded under this section on retaining and hiring of faculty, including any increase in diverse faculty, the number of clinical education partnerships, the modernization of nursing education infrastructure, and other ways this section helps address and quickly respond to public health emergencies and pandemics;

''(4) recommendations for improving the grants awarded under this section; and

''(5) any other considerations as the Secretary determines appropriate.

''(g) FUNDING.—To carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended.''.

(b) STRENGTHENING NURSE EDUCATION.—The heading of part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by striking ''**BASIC**''.

SEC. 2203. LOAN REPAYMENT PROGRAM FOR SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

Section 781 of the Public Health Service Act (42 U.S.C. 295h) is amended by adding at the end the following:

''(k) ADDITIONAL FUNDING.—In addition to amounts otherwise made available for such purpose, to carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended.''.

SEC. 2204. LOAN REPAYMENT AND SCHOLARSHIP PROGRAMS FOR THE NURSING WORKFORCE.

Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end the following:

''(j) ADDITIONAL FUNDING.—In addition to amounts otherwise made available to carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $750,000,000, to remain available until expended.''.

SEC. 2205. ADDITIONAL FUNDING FOR HEALTH PROFESSIONS EDUCATION.

In addition to amounts otherwise made available for such purpose, to carry out the programs under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until expended.

SEC. 2206. ADDITIONAL FUNDING FOR NURSING WORKFORCE DEVELOPMENT.

In addition to amounts otherwise made available for such purpose, to carry out the programs under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until expended.

SEC. 2207. NATIONAL HEALTH SERVICE CORPS.

In addition to amounts otherwise made available for such purposes, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services, $2,500,000,000, for purposes of carrying out the National Health Service Corps program, to remain available until expended.

Subtitle C—Improving Access to Health Care Services

SEC. 2301. EXPANDING ACCESS TO MENTAL HEALTH SERVICES AND CERTAIN EVALUATION AND MANAGEMENT SERVICES FURNISHED THROUGH TELEHEALTH.

(a) TREATMENT OF MENTAL HEALTH SERVICES FURNISHED THROUGH TELEHEALTH.—Paragraph (7) of section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in the paragraph heading, by inserting ''AND MENTAL HEALTH SERVICES'' after ''DISORDER SERVICES''; and

(2) by inserting ''or, on or after the first day after the end of the public health emergency described in section 1135(g)(1)(B), to an eligible telehealth individual for purposes of diagnosis, evaluation, or treatment of a mental health disorder, as determined by the Secretary,'' after ''as determined by the Secretary,''.

(b) TREATMENT OF CERTAIN EVALUATION AND MANAGEMENT SERVICES FURNISHED THROUGH TELEHEALTH.—Such section 1834(m), as amended by subsection (a), is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), by striking ''and (7)'' and inserting ''(7), and (9)''; and

(B) in clause (ii)(X), by inserting ''or paragraph (9)(A)'' before the period; and

(2) by adding at the end the following new paragraph:

''(9) TREATMENT OF CERTAIN EVALUATION AND MANAGEMENT SERVICES FURNISHED THROUGH TELEHEALTH.—

''(A) IN GENERAL.—The geographic requirements described in paragraph 4(C)(i) shall

not apply with respect to a telehealth service that is a medical visit that is in the category of HCPCS evaluation and management services for office and other outpatient services and that is furnished on or after the first day after the end of the public health emergency described in section 1135(g)(1)(B), to an eligible telehealth individual by a qualified provider, at an originating site described in paragraph 4(C)(ii) (other than an originating site described in subclause (IX) of such paragraph).

''(B) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this paragraph, the term 'qualified provider' means, with respect to a telehealth service described in subparagraph (A) that is furnished to an eligible telehealth individual, a physician or practitioner who—

''(i) furnished to such individual, during the 18-month period ending on the date the telehealth service was furnished, an item or service in person for which—

''(I) payment was made under this title; or

''(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished; or

''(ii) is in the same practice (as determined by tax identification number) as a physician or practitioner who furnished such an item or service in person to such individual during such period.''.

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the provisions of, or amendments made by, this section by interim final rule, program instruction, or otherwise.

SEC. 2302. ENHANCED FEDERAL MEDICAID SUPPORT FOR COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

''(bb) COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.—

''(1) IN GENERAL.—Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability), section 1902(a)(23)(A) (relating to freedom of choice of providers), or section 1902(a)(27) (relating to provider agreements), a State may provide medical assistance for qualifying community-based mobile crisis intervention services under a State plan amendment or waiver approved under section 1115 or 1915(c).

''(2) QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES DEFINED.—For purposes of this subsection, the term 'qualifying community-based mobile crisis intervention services' means, with respect to a State, items and services for which medical assistance is available under the State plan under this title or a waiver of such plan, that are—

''(A) furnished to an individual who is—

''(i) outside of a hospital or other facility setting; and

''(ii) experiencing a mental health or substance use disorder crisis;

''(B) furnished by a multidisciplinary mobile crisis team—

''(i) that includes at least 1 behavioral health care professional who is capable of conducting an assessment of the individual, in accordance with the professional's permitted scope of practice under State law, and other professionals or paraprofessionals with appropriate expertise in behavioral health or mental health crisis response, including nurses, social workers, peer support specialists, and others, as designated by the State and approved by the Secretary;

''(ii) whose members are trained in trauma-informed care, de-escalation strategies, and harm reduction;

''(iii) that is able to respond in a timely manner and, where appropriate, provide the following—

''(I) screening and assessment;

''(II) stabilization and de-escalation;

''(III) coordination with, and referrals to, health, social, and other services and supports as needed; and

''(IV) provision or coordination of transportation to the next step in care or treatment;

''(iv) that maintains relationships with relevant community partners, including medical and behavioral health providers, community health centers, crisis respite centers, managed care organizations (if applicable), entities able to provide assistance with application and enrollment in the State plan or a waiver of the plan, entities able to provide assistance with applying for and enrolling in benefit programs, entities that provide assistance with housing (such as public housing authorities, Continuum of Care programs, or not-for-profit entities that provide housing assistance), and entities that provide assistance with other social services;

''(v) that coordinates with crisis intervention hotlines and emergency response systems;

''(vi) that maintains the privacy and confidentiality of patient information consistent with Federal and State requirements; and

''(vii) that operates independently from (but may coordinate with) State or local law enforcement agencies;

''(C) available 24 hours per day, every day of the year; and

''(D) voluntary to receive.

''(3) PAYMENTS.—

''(A) IN GENERAL.—Notwithstanding section 1905(b), beginning January 1, 2021, during each of the first 12 fiscal quarters that a State meets the requirements described in paragraph (4), the Federal medical assistance percentage applicable to amounts expended by the State for medical assistance for qualifying community-based mobile crisis intervention services furnished during such quarter shall be equal to 95 percent.

''(B) EXCLUSION OF ENHANCED PAYMENTS FROM TERRITORIAL CAPS.—To the extent that the amount of a payment to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for medical assistance for qualifying community-based mobile crisis intervention services that is based on the Federal medical assistance percentage specified in subparagraph (A) exceeds the amount that would have been paid to such territory for such services if the Federal medical assistance percentage for the territory had been determined without regard to such subparagraph—

''(i) the limitation on payments to territories under subsections (f) and (g) of section 1108 shall not apply to the amount of such excess; and

''(ii) the amount of such excess shall be disregarded in applying such subsections.

''(4) REQUIREMENTS.—The requirements described in this paragraph are the following:

''(A) The State demonstrates, to the satisfaction of the Secretary—

''(i) that it will be able to support the provision of qualifying community-based mobile crisis intervention services that meet the conditions specified in paragraph (2); and

''(ii) how it will support coordination between mobile crisis teams and community partners, including health care providers, to enable the provision of services, needed referrals, and other activities identified by the Secretary.

''(B) The State provides assurances satisfactory to the Secretary that—

''(i) any additional Federal funds received by the State for qualifying community-based mobile crisis intervention services provided under this subsection that are attributable to the increased Federal medical assistance percentage under paragraph (3)(A) will be used to supplement, and not supplant, the level of State funds expended for such services for fiscal year 2019;

''(ii) if the State made qualifying community-based mobile crisis intervention services available in a region of the State in fiscal year 2019, the State will continue to make such services available in such region under this subsection at the same level that the State made such services available in such fiscal year; and

''(iii) the State will conduct the evaluation and assessment, and submit the report, required under paragraph (5).

''(5) STATE EVALUATION AND REPORT.—

''(A) STATE EVALUATION.—Not later than 4 fiscal quarters after a State begins providing qualifying community-based mobile crisis intervention services in accordance with this subsection, the State shall enter into a contract with an independent entity or organization to conduct an evaluation for the purposes of—

''(i) determining the effect of the provision of such services on—

''(I) emergency room visits;

''(II) use of ambulatory services;

''(III) hospitalizations;

''(IV) the involvement of law enforcement in mental health or substance use disorder crisis events;

''(V) the diversion of individuals from jails or similar settings; and

''(ii) assessing—

''(I) the types of services provided to individuals;

''(II) the types of events responded to;

''(III) cost savings or cost-effectiveness attributable to such services;

''(IV) the experiences of individuals who receive qualifying community-based mobile crisis intervention services;

''(V) the successful connection of individuals with follow-up services; and

''(VI) other relevant outcomes identified by the Secretary.

''(B) COMPARISON TO HISTORICAL MEASURES.—The contract described in subparagraph (A) shall specify that the evaluation is based on a comparison of the historical measures of State performance with respect to the outcomes specified under such subparagraph to the State's performance with respect to such outcomes during the period beginning with the first quarter in which the State begins providing qualifying community-based mobile crisis intervention services in accordance with this subsection.

''(C) REPORT.—Not later than 2 years after a State begins to provide qualifying community-based mobile crisis intervention services in accordance with this subsection, the State shall submit a report to the Secretary on the following:

''(i) The results of the evaluation carried out under subparagraph (A).

''(ii) The number of individuals who received qualifying community-based mobile crisis intervention services.

''(iii) Demographic information regarding such individuals when available, including the race or ethnicity, age, sex, sexual orientation, gender identity, and geographic location of such individuals.

''(iv) The processes and models developed by the State to provide qualifying community-based mobile crisis intervention services under such the State plan or waiver, including the processes developed to provide referrals for, or coordination with, follow-up care and services.

''(v) Lessons learned regarding the provision of such services.

''(D) PUBLIC AVAILABILITY.—The State shall make the report required under subparagraph (C) publicly available, including on the website of the appropriate State agency, upon submission of such report to the Secretary.

''(6) BEST PRACTICES REPORT.—

''(A) IN GENERAL.—Not later than 3 years after the first State begins to provide qualifying community-based mobile crisis intervention services in accordance with this subsection, the Secretary shall submit a report to Congress that—

''(i) identifies the States that elected to provide services in accordance with this subsection;

''(ii) summarizes the information reported by such States under paragraph (5)(C); and

''(iii) identifies best practices for the effective delivery of community-based mobile crisis intervention services.

''(B) PUBLIC AVAILABILITY.—The report required under subparagraph (A) shall be made publicly available, including on the website of the Department of Health and Human Services, upon submission to Congress.

''(7) STATE PLANNING AND EVALUATION GRANTS.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of this subsection, the Secretary may award planning and evaluation grants to States for purposes of developing a State plan amendment or section 1115 or 1915(c) waiver request (or an amendment to such a waiver) to provide qualifying community-based mobile crisis intervention services and conducting the evaluation required under paragraph (5)(A). A grant awarded to a State under this paragraph shall remain available until expended.

''(B) STATE CONTRIBUTION.—A State awarded a grant under this subsection shall contribute for each fiscal year for which the grant is awarded an amount equal to the State percentage determined under section 1905(b) (without regard to the temporary increase in the Federal medical assistance percentage of the State under section 6008(a) of the Families First Coronavirus Response Act (Public Law 116–127) or any other temporary increase in the Federal medical assistance percentage of the State for fiscal year 2020 or any succeeding fiscal year) of the grant amount.

''(8) FUNDING.—

''(A) IMPLEMENTATION AND ADMINISTRATION.—There is appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for purposes of implementing and administering this section.

''(B) PLANNING AND EVALUATION GRANTS.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $25,000,000 to the Secretary for fiscal year 2021 for purposes of making grants under paragraph (7), to remain available until expended.''.

SEC. 2303. EXTENSION AND EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM; FUNDING FOR THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC EXPANSION GRANT PROGRAM.

(a) IN GENERAL.—Section 223(d) of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (3), by striking ''December 11, 2020'' and inserting ''December 31, 2022''; and

(2) in paragraph (8)—

(A) in subparagraph (A), by striking ''to participate in 2-year demonstration programs that meet the requirements of this subsection'' and inserting ''to conduct demonstration programs under this subsection for 2 years or through the date specified in paragraph (3), whichever is longer'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by striking subparagraph (B) and inserting the following:

''(B) OTHER NEW PROGRAMS.—In addition to the 8 States selected under paragraph (1) and the 2 States selected under subparagraph (A), not later than 6 months after the date of enactment of the Economic Justice Act, the Secretary shall select 9 additional States to conduct demonstration programs under this subsection for 2 years or through the date specified in paragraph (3), whichever is longer.

''(C) SELECTION OF STATES.—

''(i) INITIAL ADDITIONAL PROGRAMS.—In selecting States under subparagraph (A), the Secretary—

''(I) shall select States that—

''(aa) were awarded planning grants under subsection (c); and

''(bb) applied to participate in the demonstration programs under this subsection under paragraph (1) but, as of March 27, 2020, were not selected to participate under paragraph (1); and

''(II) shall use the results of the Secretary's evaluation of each State's application under paragraph (1) to determine which States to select, and shall not require the submission of any additional application.

''(ii) OTHER NEW PROGRAMS.—Clause (i) shall apply to the selection of States under subparagraph (B), except that, for purposes of applying that clause to the selection of States under such subparagraph, the Secretary shall substitute 'as of the date of enactment of the Economic Justice Act, were not selected to participate under paragraph (1) or under this paragraph' for 'as of March 27, 2020, were not selected to participate under paragraph (1)'.''.

(b) FUNDING FOR THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC EXPANSION GRANT PROGRAM.—For purposes of carrying out the Certified Community Behavioral Health Clinic Expansion Grant Program of the Substance Abuse and Mental Health Services Administration, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $600,000,000, to remain available until expended.

SEC. 2304. EXPANDING CAPACITY FOR HEALTH OUTCOMES.

Title III of the Public Health Service Act is amended by inserting after section 330M (42 U.S.C. 254c–19) the following:

''SEC. 330N. EXPANDING CAPACITY FOR HEALTH OUTCOMES.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that provides, or supports the provision of, health care services in rural areas, frontier areas, health professional shortage areas, or medically underserved areas, or to medically underserved populations or Native Americans, including Indian Tribes, Tribal organizations, and urban Indian organizations, and which may include entities leading, or capable of leading, a technology-enabled collaborative learning and capacity building model or engaging in technology-enabled collaborative training of participants in such model.

''(2) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

''(3) INDIAN TRIBE.—The terms 'Indian Tribe' and 'Tribal organization' have the meanings given the terms 'Indian tribe' and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act.

''(4) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(5) NATIVE AMERICANS.—The term 'Native Americans' has the meaning given the term in section 736 and includes Indian Tribes and Tribal organizations.

''(6) TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY BUILDING MODEL.—The term 'technology-enabled collaborative learning and capacity building model' means a distance health education model that connects health care professionals, and particularly specialists, with multiple other health care professionals through simultaneous interactive videoconferencing for the purpose of facilitating case-based learning, disseminating best practices, and evaluating outcomes.

''(7) URBAN INDIAN ORGANIZATION.—The term 'urban Indian organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

''(b) PROGRAM ESTABLISHED.—The Secretary shall, as appropriate, award grants to evaluate, develop, and, as appropriate, expand the use of technology-enabled collaborative learning and capacity building models, to improve retention of health care providers and increase access to health care services, such as those to address chronic diseases and conditions, infectious diseases, mental health, substance use disorders, prenatal and maternal health, pediatric care, pain management, palliative care, and other specialty care in rural areas, frontier areas, health professional shortage areas, or medically underserved areas and for medically underserved populations or Native Americans.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (b) shall be used for—

''(A) the development and acquisition of instructional programming, and the training of health care providers and other professionals that provide or assist in the provision of services through models described in subsection (b), such as training on best practices for data collection and leading or participating in such technology-enabled activities consistent with technology-enabled collaborative learning and capacity-building models;

''(B) information collection and evaluation activities to study the impact of such models on patient outcomes and health care providers, and to identify best practices for the expansion and use of such models; or

''(C) other activities consistent with achieving the objectives of the grants awarded under this section, as determined by the Secretary.

''(2) OTHER USES.—In addition to any of the uses under paragraph (1), grants awarded under subsection (b) may be used for—

''(A) equipment to support the use and expansion of technology-enabled collaborative learning and capacity building models, including for hardware and software that enables distance learning, health care provider support, and the secure exchange of electronic health information; or

''(B) support for health care providers and other professionals that provide or assist in the provision of services through such models.

''(d) LENGTH OF GRANTS.—Grants awarded under subsection (b) shall be for a period of up to 5 years.

''(e) GRANT REQUIREMENTS.—The Secretary may require entities awarded a grant under this section to collect information on the effect of the use of technology-enabled collaborative learning and capacity building models, such as on health outcomes, access to health care services, quality of care, and provider retention in areas and populations described in subsection (b). The Secretary may award a grant or contract to assist in the coordination of such models, including to assess outcomes associated with the use of

such models in grants awarded under subsection (b), including for the purpose described in subsection (c)(1)(B).

''(f) APPLICATION.—An eligible entity that seeks to receive a grant under subsection (b) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require. Such application shall include plans to assess the effect of technology-enabled collaborative learning and capacity building models on patient outcomes and health care providers.

''(g) ACCESS TO BROADBAND.—In administering grants under this section, the Secretary may coordinate with other agencies to ensure that funding opportunities are available to support access to reliable, high-speed internet for grantees.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide (either directly through the Department of Health and Human Services or by contract) technical assistance to eligible entities, including recipients of grants under subsection (b), on the development, use, and evaluation of technology-enabled collaborative learning and capacity building models in order to expand access to health care services provided by such entities, including for medically underserved areas and to medically underserved populations or Native Americans.

''(i) RESEARCH AND EVALUATION.—The Secretary, in consultation with stakeholders with appropriate expertise in such models, shall develop a strategic plan to research and evaluate the evidence for such models. The Secretary shall use such plan to inform the activities carried out under this section.

''(j) REPORT BY SECRETARY.—Not later than 4 years after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post on the internet website of the Department of Health and Human Services, a report including, at minimum—

''(1) a description of any new and continuing grants awarded to entities under subsection (b) and the specific purpose and amounts of such grants;

''(2) an overview of—

''(A) the evaluations conducted under subsections (b);

''(B) technical assistance provided under subsection (h); and

''(C) activities conducted by entities awarded grants under subsection (b); and

''(3) a description of any significant findings or developments related to patient outcomes or health care providers and best practices for eligible entities expanding, using, or evaluating technology-enabled collaborative learning and capacity building models, including through the activities described in subsection (h).

''(k) FUNDING.—To carry out this section, there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $100,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.''.

SEC. 2305. RYAN WHITE HIV/AIDS PROGRAM.

For purposes of carrying out title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended.

SEC. 2306. COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT.

Section 1920 of the Public Health Service Act (42 U.S.C. 300x–9) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ADDITIONAL AMOUNTS FOR COMMUNITY MENTAL HEALTH SERVICES.—In addition to amounts otherwise made available for such purposes, for purposes of carrying out this subpart, subpart III with respect to mental health, and section 515(c), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $700,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.''.

SEC. 2307. SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT.

Section 1935 of the Public Health Service Act (42 U.S.C. 300x–35) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) ADDITIONAL AMOUNTS FOR SUBSTANCE ABUSE PREVENTION AND TREATMENT.—In addition to amounts otherwise made available for such purposes, for purposes of carrying out this subpart, subpart III with respect to substance abuse, section 505(d), and section 515(d), there are hereby appropriated, out of amounts in the Treasury not otherwise appropriated, $500,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.''.

TITLE III—FEDERALLY SUPPORTED JOBS, TRAINING, AND AT-RISK YOUTH INITIATIVES

Subtitle A—Department of Labor Employment and Training Programs

SEC. 3101. DEFINITIONS AND WIOA REQUIREMENTS.

(a) WIOA DEFINITIONS AND REQUIREMENTS.—Except as otherwise provided, in this subtitle, other than chapter 5—

(1) the terms have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

(2) an allotment, allocation, or other provision of funds made in accordance with a provision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) shall be made in compliance with the applicable requirements of such Act (29 U.S.C. 3101 et seq.), including the applicable requirements of section 182(e) of such Act (29 U.S.C. 3242(e)) unless otherwise provided for in this title.

(b) OTHER DEFINITIONS.—In this subtitle:

(1) APPRENTICESHIP OPPORTUNITY; APPRENTICESHIP PROGRAM.—The terms ''apprenticeship opportunity'' and ''apprenticeship program'' mean an opportunity in an apprenticeship program, and an apprenticeship program, that is registered by the Office of Apprenticeship or a State apprenticeship agency under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act'') (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), including, as in effect on December 30, 2019, any requirement, standard, or rule promulgated under that Act.

(2) CORONAVIRUS.—The term ''coronavirus'' means coronavirus as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(3) COVID–19 NATIONAL EMERGENCY.—The term ''COVID–19 national emergency'' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) SECRETARY.—The term ''Secretary''—

(A) as such term is used in chapters 1 through 4, and chapters 6 and 7, means the Secretary of Labor; and

(B) as such term is used in chapter 5, means the Secretary of Education.

(c) RULE.—If funds awarded under this subtitle, including all funds awarded for the purposes of grants, contracts or cooperative agreements, or the development, implementation, or administration of apprenticeship programs (or apprenticeship opportunities), are used to fund apprenticeship programs (or apprenticeship opportunities), those funds shall only be provided to apprenticeship programs (or opportunities in apprenticeship programs) that meet the definition of an apprenticeship program under subsection (b).

CHAPTER 1—WORKFORCE DEVELOPMENT ACTIVITIES IN RESPONSE TO THE COVID–19 NATIONAL EMERGENCY

SEC. 3111. WORKFORCE RESPONSE ACTIVITIES.

(a) FUNDS FOR ADULTS AND DISLOCATED WORKERS.—With respect to funds appropriated under section 3113(d) or 3115(c) and allotted to a State under subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151 et seq.) for adult or dislocated worker workforce development activities, allocated to a local area for adult workforce development activities in accordance with paragraph (2)(A) or paragraph (3) of section 133(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)), or allocated to a local area for dislocated worker workforce development activities in accordance with section 133(b)(2)(B) of such Act (29 U.S.C. 3173(b)(B)), the following shall apply:

(1) ELIGIBILITY OF ADULTS AND DISLOCATED WORKERS.—To be eligible to receive services through those funds, an adult or dislocated worker—

(A) shall not be required to meet the requirements of section 134(c)(3)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(B)); and

(B) may include, as determined by the Governor or local board involved, an individual described in section 2102(a)(3)(A) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9021(a)(3)(A)) who, for the purposes of this section, may be considered by the Governor or board to be an adult or a dislocated worker.

(2) INDIVIDUALIZED CAREER SERVICES.—Such funds may be used to provide individualized career services described in section 134(c)(2)(A)(xii) of the Workforce Investment and Opportunity Act (29 U.S.C. 3174(c)(2)(A)(xii)) to any such eligible adult and dislocated worker.

(3) INCUMBENT WORKER TRAINING.—In a case in which the local board for such local area provides to the Secretary an assurance that the local area will use such allocated funds (allocated for adult or dislocated worker activities) to provide the work support activities designed to assist low-wage workers in retaining and enhancing employment in accordance with section 134(d)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(1)(B)), such local board may—

(A) use not more than 40 percent of such allocated funds for a training program for incumbent workers described in section 134(d)(4)(A)(i) of such Act (29 U.S.C. 3174(d)(4)(A)(i)) (for such low-wage workers who are incumbent workers); and

(B) consider the economic impact of the COVID–19 national emergency to the employer or participants of such program in determining an employer's eligibility under section 134(d)(4)(A)(ii) of such Act (29 U.S.C. 3174(d)(4)(A)(ii))) for the Federal share of the cost of such program.

(4) TRANSITIONAL JOBS.—

(A) IN GENERAL.—The local board for such local area may use not more than 40 percent of such allocated funds to provide transitional jobs in accordance with section 134(d)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(5)).

(B) CLARIFICATION.—Section 194(10) of the Workforce Innovation and Opportunity Act

(29 U.S.C. 3254(10)) shall not apply with respect to the funds used under this paragraph.

(5) ON-THE-JOB TRAINING.—The Governor for the State or the local board for such area may take into account the impact of the COVID–19 national emergency as a factor in determining whether to increase the amount of a reimbursement to an amount up to 75 percent of the wage rate of a participant in accordance with 134(c)(3)(H) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(H)).

(6) CUSTOMIZED TRAINING.—The Governor for the State or local board for such area may take into account the impact of the COVID–19 national emergency as a factor in determining the portion of the cost of training an employer shall provide in accordance with section 3(14) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(14)).

(b) YOUTH.—With respect to funds appropriated under section 3114(d) and allotted or allocated under subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151 et seq.) for the activities described in chapter 2 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3161 et seq.) for out-of-school youth and in-school youth (as such terms are defined in section 129(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1))), the Governor or local board involved may determine that—

(1) in the case of an individual described in section 2102(a)(3)(A) of the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. 9021(a)(3)(A))) who meets the requirements of clauses (i) and (ii) of section 129(a)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1)(B)), such individual meets the definition of an out-of-school youth in such section 129(a)(1)(B); and

(2) in the case of an individual described in section 2102(a)(3)(A) of the Coronavirus Aid, Relief, and Economic Security Act who meets the requirements of clauses (i) through (iii) of section 129(a)(1)(C) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1)(C)), such individual meets the definition of an in-school youth in such section 129(a)(1)(C).

(c) GOVERNOR'S RESERVE.—With respect to funds appropriated under section 3113(d), 3114(d), or 3115(c) and allotted under subtitle B of title I of the Workforce Innovation and Opportunity Act to a State in accordance with section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3162(b)(1)(C); 3172(b)), the Governor—

(1) shall make the reservations under section 128(a) and 133(a)(1) of such Act (29 U.S.C. 3163(a); 3173(a)(1)) and use the reserved funds for statewide activities described in section 129(b) or paragraph (2)(B) or (3) of section 134(a) of such Act (29 U.S.C. 3164(b); 3174(a)) related to the COVID–19 national emergency; and

(2) may make a reservation (in addition to the reservations described in paragraph (1)) of not more than 10 percent for activities related to responding to the COVID–19 national emergency if such reserved funds are used for activities benefitting the local areas within such State most impacted by the COVID–19 national emergency, which activities may include providing—

(A) training for health care workers, public health workers, personal care attendants, direct service providers, home health workers, and frontline workers;

(B) resources to support, or allow for and provide access to, online services, including counseling, case management, and employment retention services, and training delivery by local boards, one-stop centers, one-stop operators, or eligible training services providers; or

(C) additional resources to such local areas to provide career services and supportive services for eligible individuals.

(d) STATE WORKFORCE COVID–19 RECOVERY PLAN.—Not later than 60 days after a State receives funds appropriated under section 3113(d), 3114(d), or 3115(c), the Governor shall submit to the Secretary, as a supplement to the State plan submitted under section 102(a) or 103(a) of the Workforce Investment and Opportunity Act (29 U.S.C. 3112(a); 3113(a)), a workforce plan that responds to the COVID–19 national emergency.

SEC. 3112. NATIONAL DISLOCATED WORKER GRANTS.

(a) GRANTS AUTHORIZED.—From the funds appropriated under subsection (e), the Secretary shall award, in accordance with section 170 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225), national dislocated worker grants to the entities that meet the requirements for the grants under such section to carry out the activities described in such section and in subsection (d) of this section.

(b) PLAN.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate, not later than 30 days after the date of enactment of this Act, a plan for awarding of grants under this section.

(c) TIMING.—Subject to the availability of appropriations to carry out this section, not later than 60 days after the date of enactment of this Act, the Secretary shall use not less than 50 percent of the funds appropriated under subsection (e) to award grants under this section.

(d) USES OF FUNDS.—

(1) IN GENERAL.—Not less than half of the funds appropriated under subsection (e) shall be used to award grants under this section to carry out this subsection, by responding to the COVID–19 national emergency as described in paragraph (2).

(2) RESPONSE TO COVID–19 NATIONAL EMERGENCY.—Such a grant to respond to the COVID–19 national emergency shall be used to provide activities that include each of the following:

(A) Training and temporary employment to respond to the COVID–19 national emergency, ensuring any training or employment under this subparagraph provides participants with adequate and safe equipment, environments, and facilities for training and supervision, including positions or assignments—

(i) as personal care attendants, direct service providers, or home health workers providing direct care and home health services, including delivering medicine, food, or other supplies, for—

(I) older individuals, individuals with disabilities, and other individuals with respiratory conditions or other underlying health conditions; or

(II) individuals in urban, rural, or suburban local areas with excess poverty;

(ii) in health care and health care support positions responding to the COVID–19 national emergency;

(iii) to support State, local, or tribal health departments; or

(iv) in a sector directly responding to the COVID–19 national emergency such as childcare, food retail, public service, manufacturing, or transportation.

(B) Activities responding to layoffs of 50 or more individuals laid off by one employer, or layoffs that significantly increase unemployment in a community, as a result of the COVID–19 national emergency, such as layoffs in the hospitality, transportation, manufacturing, or retail industry sectors or occupations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3113. STATE DISLOCATED WORKER ACTIVITIES RESPONDING TO THE COVID–19 EMERGENCY.

(a) DISTRIBUTION OF FUNDS.—

(1) STATES.—From the amounts appropriated under subsection (d), the Secretary shall make allotments to States in accordance with section 132(b)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(2)).

(2) LOCAL AREAS.—Not later than 30 days after a State receives an allotment under paragraph (1), the State shall use the allotted funds—

(A) to make the reservations required under section 133(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(a)), which reserved funds may be used for statewide activities described in section 134(a) of such Act (29 U.S.C. 3174(a)) related to the COVID–19 national emergency and the activities described in subsection (c); and

(B) to allocate the remaining funds to local areas in accordance with section 133(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)(2)(B)), which funds may be used for activities described in section 134 (other than section 134(a)) of such Act.

(b) REQUIRED USES.—Each State, in coordination with local areas to the extent described in subsection (c), shall use the funds received under this section to engage in the dislocated worker response activities described in sections 133(b)(2)(B) and 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)(2)(B); 3174), and the activities described in subsection (c), to support layoff aversion and provide necessary supports to eligible adults (at risk of dislocation) and dislocated workers and to employers facing layoffs, due to the impacts of the COVID–19 national emergency.

(c) COVID–19 DISLOCATED WORKER EMERGENCY RESPONSE.—The dislocated worker response activities described in this subsection shall include each of the following activities carried out by a State, in coordination with local areas impacted by the COVID–19 national emergency (including local areas in which layoffs, suspensions, or reductions of employment have occurred or have the potential to occur as a result of the COVID–19 national emergency):

(1) The rapid response activities described in section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(2)(A)), including the layoff aversion activities described in section 682.320 of subtitle 20, Code of Federal Regulations (as in effect on the date of enactment of this Act) to engage employers and adults (at risk of dislocation).

(2) Coordination of projects, for eligible adults (at risk of dislocation) and dislocated workers impacted by layoffs, suspensions, or reductions in employment as a result of the COVID–19 national emergency, targeted at immediate reemployment, career navigation services, supportive services, career services, training for in-demand industry sectors and occupations, provision of information on in-demand and declining industries and information on employers who have a demonstrated history of providing equitable benefits and compensation and safe working conditions, access to technology and online skills training including digital literacy skills training, and other layoff support or further layoff aversion strategies through employment and training activities.

(3) A prioritization or coordination of employment and training activities, including supportive services and career pathways, that—

(A) prepare eligible adults (at risk of dislocation) and dislocated workers to participate in short-term employment to meet the demands for health care workers, public health workers, personal care attendants, direct service providers, home health workers, and frontline workers responding to the COVID–19 national emergency, including frontline workers in the transportation, information technology, service, manufacturing, food service, maintenance, and cleaning sectors;

(B) allow such individuals to maintain eligibility for career services and training services through the period in which such individuals are in short-term employment to respond to the COVID–19 national emergency, and in the period immediately following the conclusion of the short-term employment, to support transitions into further training or employment; and

(C) provide participants with adequate and safe equipment, environments, and facilities for training and supervision.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in this section, and subsections (a), (c), and (d) of section 3111, $2,500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3114. YOUTH WORKFORCE INVESTMENT ACTIVITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) DISTRIBUTION OF FUNDS.—

(1) STATES.—From the amounts appropriated under subsection (d), the Secretary shall make allotments to States in accordance with section 127(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3162(b)).

(2) LOCAL AREAS.—Not later than 30 days after a State receives an allotment under paragraph (1), the State shall use the allotted funds—

(A) to make the reservations required under 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)), which reserved funds may be used for statewide activities described in section 129(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)) related to the COVID–19 national emergency and the activities described in subsection (b); and

(B) to allocate the remaining funds to local areas in accordance with section 128(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)), which funds may be used for the activities described in subsection (b).

(b) USES OF FUNDS.—

(1) IN GENERAL.—In using the funds received under this section, each State and local area shall prioritize providing services described in paragraph (2)(A) for youth impacted by diminished labor market opportunities for summer jobs or year-round employment due to the economic impacts of the COVID–19 national emergency.

(2) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

(A) EMPLOYMENT OPPORTUNITIES FOR AT-RISK YOUTH.—Each State and local area receiving funds under this section shall use not less than 50 percent of such funds to support summer and year-round youth employment opportunities for in-school and out-of-school youth—

(i) with a priority for out-of-school youth and youth with multiple barriers to employment; and

(ii) which shall include support for employer partnerships for youth employment and subsidized youth employment, and partnerships with community-based organizations to support such employment opportunities.

(B) OTHER ACTIVITIES.—Any amount of the funds so received that is not used to carry out the activities described in subparagraph (A) shall be used by States and local areas for carrying out the activities described in subsections (b) and (c), respectively, of section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), and for the purposes of—

(i) supporting in-school and out-of-school youth to connect to education and career pathways;

(ii) establishing or expanding partnerships with community-based organizations to develop or expand work experience opportunities through which youth can develop skills and competencies to secure and maintain employment, including opportunities with supports for activities like peer mentoring;

(iii) providing subsidized employment, internships, work-based learning, and youth apprenticeship opportunities;

(iv) providing work readiness training activities and educational programs aligned to career pathways that support credential attainment and the development of employability skills;

(v) engaging or establishing industry or sector partnerships to determine job needs and available opportunities for youth employment;

(vi) conducting outreach to youth and employers;

(vii) providing coaching, navigation, and mentoring services for participating youth, including career exploration, career counseling, career planning, and college planning services for participating youth;

(viii) providing coaching, navigation, and mentoring services for employers on how to successfully employ participating youth in meaningful work;

(ix) providing services to youth, to enable participation in a program of youth activities, which services may include supportive services, access to technological devices and access to other supports needed to access online services, and followup services for not less than 12 months after the completion of participation, as appropriate; and

(x) coordinating activities under this section with State and local educational agencies to adjust for revised academic calendars in response to the COVID–19 national emergency.

(c) GENERAL PROVISIONS.—A State or local area using funds under this section for youth summer or year-round employment shall require that not less than 25 percent of the wages of each eligible youth participating in such employment be paid by the employer, except that such requirement may waived for an employer facing financial hardship due to the COVID–19 national emergency.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in this section, and subsections (b), (c), and (d) of section 3111, $2,500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3115. ADULT EMPLOYMENT AND TRAINING ACTIVITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) DISTRIBUTION OF FUNDS.—

(1) STATES.—From the amounts appropriated under subsection (c), the Secretary shall make allotments to States in accordance with section 132(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(1)).

(2) LOCAL AREAS.—Not later than 30 days after a State receives an allotment under paragraph (1), the State shall use the allotted funds—

(A) to make the reservations required under section 133(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(a)), which reserved funds may be used for statewide activities described in section 134(a) of such Act (29 U.S.C. 3174(a)) related to the COVID–19 national emergency; and

(B) to allocate the remaining funds to local areas in accordance with paragraph (2)(A) or (3) of section 133(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3173(b)).

(b) USES OF FUNDS.—

(1) IN GENERAL.—Each State and local area receiving funds under this section shall use the funds to engage in the adult employment and training activities described in section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) to provide necessary supports and services to eligible adults who are adversely impacted by the COVID–19 national emergency, including to individuals who are underemployed or most at risk of unemployment, and shall coordinate the adult employment and training services with employers facing economic hardship or employment challenges due to economic impacts of the COVID–19 national emergency.

(2) COVID–19 ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) SERVICES TO SUPPORT EMPLOYERS IMPACTED BY THE COVID–19 NATIONAL EMERGENCY.—Of the funds allocated to a local area under subsection (a)(2)(B), not less than one third shall be used for providing services to eligible adults to support employers impacted by the COVID–19 national emergency, including incumbent worker training, on-the-job training, and customized training activities, and activities supporting employee retention for employers, prioritizing those employers facing economic hardship or employment challenges as a result of the COVID–19 national emergency.

(B) UNDEREMPLOYMENT AND EMPLOYMENT SUPPORTS.—Of the funds allocated to a local area and not used for activities under subparagraph (A), such funds shall be used to provide the services and supports described in section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) for eligible adults who are workers facing underemployment, individuals seeking work, or dislocated workers, prioritizing individuals with barriers to employment or eligible adults who are adversely impacted by economic changes within their communities due to the COVID–19 national emergency, including providing—

(i) work-based learning opportunities including paid internships, paid work experience opportunities, transitional jobs, or opportunities in apprenticeship programs;

(ii) career navigation supports to encourage and enable workers to find new career pathways to in-demand industry sectors and occupations and the necessary training to support those career pathways, or workplace learning advisors to support incumbent workers;

(iii) training for in-demand industry sectors and occupations, including for digital literacy needed for such industry sectors and occupations;

(iv) virtual services and virtual employment and training activities, including providing appropriate accommodations to individuals with disabilities in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(v) supportive services and individualized career services.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and subsections (a), (c), and (d) of section 3111, $2,500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

CHAPTER 2—EMPLOYMENT SERVICE COVID–19 NATIONAL EMERGENCY RESPONSE FUND

SEC. 3121. EMPLOYMENT SERVICE.

(a) IN GENERAL.—From the funds appropriated under subsection (c), the Secretary shall—

(1) reserve not less than $100,000,000 for workforce information systems improvements, including for related electronic tools and system building, and for the activities described in subsection (b)(1); and

(2) use the remaining funds to make allotments in accordance with section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) to States, which for purposes of this section shall include the Commonwealth of the Northern Mariana Islands and American Samoa, for—

(A) the activities described in subsection (b)(2) of this section; and

(B) the activities described in section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2).

(b) USES OF FUNDS.—

(1) RESERVATION USES OF FUNDS.—The Secretary shall use the funds reserved under subsection (a)(1) for—

(A) workforce information grants to States for the development of labor market insights and evidence on the State and local impacts of the COVID–19 national emergency and on promising reemployment strategies, and to improve access to tools and equipment for virtual products and service delivery;

(B) the Workforce Information Technology Support Center, to facilitate voluntary State participation in multi-State data collaboratives that develop real-time State and local labor market insights on the impacts of the COVID–19 national emergency and evidence to promote more rapid reemployment and economic mobility, using cross-State and cross-agency administrative data; and

(C) improvements in short- and long-term State and local occupational and employment projections to facilitate reemployment, economic mobility, and economic development strategies.

(2) STATE USES OF FUNDS.—A State shall use an allotment received under subsection (a)(2) to—

(A) provide additional resources for supporting employment service personnel employed on a merit system in providing reemployment services for unemployed and underemployed workers impacted by the COVID–19 national emergency;

(B) provide assistance for individuals impacted by the COVID–19 national emergency, including individuals receiving unemployment benefits or seeking employment as a result of the emergency (which provision of assistance shall include providing for services such as reemployment services, job search assistance, and job matching services based on the experience of individuals, and providing individualized career services for all such individuals); and

(C) provide services for employers impacted by the COVID–19 national emergency, which shall include services for employers dealing with labor force changes as a result of such emergency.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in this section $1,700,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

CHAPTER 3—JOB CORPS RESPONSE TO THE COVID–19 NATIONAL EMERGENCY

SEC. 3131. JOB CORPS RESPONSE TO THE COVID-19 NATIONAL EMERGENCY.

(a) FUNDING FOR JOB CORPS DURING THE COVID–19 NATIONAL EMERGENCY.—From the funds appropriated under subsection (c), the Secretary—

(1) shall provide funds to each entity with which the Secretary has entered into an agreement under section 147(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197(a)(1)) to—

(A) during the COVID–19 national emergency—

(i) carry out the activities described in section 148(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3198(a)); and

(ii) provide the child care described in section 148(e) of such Act (29 U.S.C. 3198(e)); and

(B) retain existing capacity (existing as of June 1, 2019) of each Job Corps center, including retaining the existing residential capacity, during and after the COVID–19 national emergency, and increase staffing and student capacity and resources related to section 145 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3195) to provide for full on-board strength after such emergency; and

(C) during the 12-month period after the COVID–19 national emergency, carry out the graduate services described in section 148(d) of such Act (29 U.S.C. 3198(d)) for any individual who has graduated from Job Corps during the 3-month period after such emergency; and

(2) may—

(A) provide up to 15 percent of the funds provided to the entity to meet the operational needs of the Job Corps center (which may include the cleaning, sanitation, and necessary improvements of the center related to COVID–19);

(B) support—

(i) activities providing the relationship to opportunities, and links to employment opportunities described in paragraphs (2) and (3) of section 148(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3198(a));

(ii) to the greatest extent practicable, the career and technical education and training described in section 148(b) of such Act (29 U.S.C. 3198(b)) through virtual or remote means for any period while Job Corps enrollees are away from their centers during the COVID–19 national emergency, including by providing necessary technology resources to enrollees during that period; and

(iii) other activities described in section 148 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3198);

(C) provide for costs related to infrastructure projects, including technology modernization needed to provide for virtual and remote learning; and

(D) provide for payment of Job Corps stipends, including emergency Job Corps stipends, and facilitate such payments through means such as debit cards with no usage fees, and provide for corresponding financial literacy.

(b) FLEXIBILITY.—

(1) IN GENERAL.—In order to provide for the successful continuity of services and enrollment periods during the COVID–19 national emergency, additional flexibility shall be provided for Job Corps enrollees, operators, and providers of activities, including flexibility described in paragraphs (2) through (6).

(2) ELIGIBILITY.—Notwithstanding the age requirements for enrollment under section 144(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3194(a)(1)), an individual seeking to enroll in the Job Corps and who will turn 25 during the COVID–19 national emergency is eligible for such enrollment.

(3) ENROLLMENT LENGTH.—Notwithstanding section 146(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3196(b)), an individual enrolled in the Job Corps during the COVID–19 national emergency may extend the individual's period of enrollment for more than 2 years, as long as such extension does not exceed a 2-year, continuous period of enrollment after the COVID–19 national emergency.

(4) ADVANCED CAREER TRAINING PROGRAMS.—With respect to advanced career training programs under section 148(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3198(c)), in which the enrollees may continue to participate for a period not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited, the COVID–19 national emergency shall not be considered as any portion of such additional 1-year participation period.

(5) COUNSELING, JOB PLACEMENT, AND ASSESSMENT.—The counseling, job placement services, and assessment described in section 149 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3199) shall be available to former enrollees—

(A) whose enrollment was interrupted due to the COVID–19 national emergency; or

(B) who graduated from Job Corps not earlier than January 1, 2020, but not later than 3 months after the COVID–19 national emergency.

(6) SUPPORT.—

(A) IN GENERAL.—The Secretary shall provide additional support for the transition periods described in section 150(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3200(c)), including support described in subparagraphs (B) and (C).

(B) TRANSITION ALLOWANCES.—The Secretary shall provide for additional transition allowances as described in subsection (b) of such section for Job Corps graduates who have graduated in 2020 and shall provide those allowances during the period that begins on the first day of the COVID–19 national emergency and ends 3 months after the conclusion of the emergency.

(C) TRANSITION SUPPORT.—The Secretary shall consider the period described in subparagraph (B) as the period in which the employment services described in subsection (c) of such section shall be provided to graduates who have graduated in 2020.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this chapter $500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

CHAPTER 4—NATIONAL PROGRAMS

SEC. 3141. NATIVE AMERICAN PROGRAMS RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) COMPETITIVE GRANT AWARDS.—As a result of challenges faced due to the COVID–19 national emergency, the Secretary may extend, by 1 fiscal year, the 4-year period for grants, contracts, and cooperative agreements that will be awarded in fiscal year 2021 under subsection (c) of section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221). Funds under such grants, contracts, and cooperative agreements shall be used to carry out the activities described in subsection (d) of such section 166 through fiscal year 2025.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and activities as described in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221) $150,000,000 for fiscal year 2021, to remain available through fiscal year 2025.

SEC. 3142. MIGRANT AND SEASONAL FARMWORKER PROGRAM RESPONSE.

(a) COMPETITIVE GRANT AWARDS.—As a result of challenges faced due to the COVID–19 national emergency, the Secretary may extend, by 1 fiscal year, the 4-year period for grants and contracts that will be awarded in fiscal year 2021 under subsection (a) of section 167 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222). Funds under such grants and contracts shall be used to

carry out the activities described in subsection (d) of such section 167 through fiscal year 2025.

(b) ELIGIBLE MIGRANT AND SEASONAL FARMWORKER.—Notwithstanding the low-income requirement in the definition of ''eligible seasonal farmworker'' in section 167(i)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222(i)(3)), an individual seeking to enroll in a program funded under section 167 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222) during the COVID–19 national emergency is eligible for such enrollment if such individual is a member of a family with a total family income equal to or less than 150 percent of the poverty line.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and activities as described in section 167 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3222) $150,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3143. YOUTHBUILD ACTIVITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) IN GENERAL.—In order to provide for the successful continuity of services and enrollment periods during the COVID–19 national emergency, the Secretary shall—

(1) make available, from 20 percent of the funds appropriated under subsection (c), assistance to entities carrying out YouthBuild programs operating during the COVID–19 national emergency and, for the assistance made available to such an entity—

(A) the assistance may be used for carrying out the activities under section 171(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(c)(2)); and

(B) notwithstanding section 171(c)(2)(D) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(c)(2)(D)), a portion equal to not more than 20 percent of the assistance may be used for the administrative costs of carrying out activities under section 171(c)(2) of such Act, but all of such portion shall be used for such administrative costs related to responding to the COVID–19 national emergency;

(2) after using funds in accordance with paragraph (1), use 80 percent of the funds appropriated under subsection (c) to—

(A) reserve and use funds in accordance with section 171(g)(2)(B) of such Act (29 U.S.C. 3226(g)(2)(B)); and

(B) award grants in accordance with section 171(c) of such Act (29 U.S.C. 3226(c)), which may be awarded as supplemental awards, to eligible entities that received grants under such section 171(c) for program year 2019 or 2020; and

(3) provide for the flexibility described in subsection (b) for YouthBuild participants and entities carrying out YouthBuild programs.

(b) FLEXIBILITY.—

(1) IN GENERAL.—During the COVID–19 national emergency, the Secretary shall provide for flexibility for YouthBuild participants and entities carrying out YouthBuild programs, including flexibility described in paragraphs (2) and (3).

(2) ELIGIBILITY.—Notwithstanding the age requirements for enrollment under section 171(e)(1)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(1)(A)(i)), an individual seeking to participate in a YouthBuild program and who will turn 25 during the COVID–19 national emergency is eligible for such participation.

(3) PARTICIPATION LENGTH.—Notwithstanding section 171(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(2)), the period of participation in a YouthBuild program may extend for more than 24 months for an individual participating in such program during the COVID–19 national emergency, as long as such extension does not exceed a 24-month, continuous period of enrollment after the COVID–19 national emergency.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3144. REENTRY EMPLOYMENT OPPORTUNITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) IN GENERAL.—The Secretary shall—

(1) not later than 30 days after the date of enactment of this Act, announce an opportunity to receive funds in accordance with section 169(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)) for the activities described in subsection (b) of this section; and

(2) from the funds appropriated under subsection (c), not later than 45 days after the date on which an entity submits an application that meets the requirements of the Secretary under this section, award funds under this section to such entity.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds under this section shall be used to support reentry employment opportunities for justice system-involved youth or young adults, formerly incarcerated adults, and former offenders, during and following the COVID–19 national emergency, with priority given to providing for subsidized employment and transitional jobs, and creating stronger alignment between the opportunities and the workforce development system and participant supports under subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151 et seq.).

(2) GRANTS FOR INTERMEDIARIES.—

(A) RESERVATION.—Of the amount appropriated under subsection (c), the Secretary shall reserve $87,500,000 for grants under this paragraph.

(B) GRANTS.—The Secretary shall make grants, on a competitive basis, to national and regional intermediaries for reentry employment opportunities described in paragraph (1) that prepare young, formerly incarcerated individuals described in paragraph (1), including such individuals who have dropped out of school or other educational programs. In making the grants, the Secretary shall give priority to intermediaries proposing projects serving high-crime, high-poverty areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $350,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3145. REGISTERED APPRENTICESHIP OPPORTUNITIES RESPONDING TO THE COVID–19 NATIONAL EMERGENCY.

(a) IN GENERAL.—From the funds appropriated under subsection (c), the Secretary shall award grants, contracts, or cooperative agreements to eligible entities on a competitive basis to create or expand apprenticeship programs, which shall include pre-apprenticeship programs and youth apprenticeship programs.

(b) USE OF FUNDS.—In making awards under subsection (a), the Secretary shall ensure that—

(1) not less than 50 percent of the funds appropriated under subsection (c) shall be awarded to States in accordance with the award information described in the Department of Labor Employment and Training Administration Training and Employment Guidance Letter No. 17–18 issued on May 3, 2019;

(2) the remaining funds appropriated under subsection (c) after funds are awarded under paragraph (1) shall be used for supporting national industry and equity intermediaries, and local intermediaries; and

(3) funds awarded under this section shall be used for creating or expanding opportunities in apprenticeship programs, including opportunities in pre-apprenticeship programs and youth apprenticeship programs, and activities including—

(A) providing supportive services;

(B) using recruitment and retention strategies for program participants with a priority for recruiting and retaining, for programs, a high number or high percentage of individuals with barriers to employment and individuals from populations traditionally underrepresented in apprenticeship programs;

(C) expanding apprenticeship opportunities in high-skill, high-wage, or in-demand industry sectors and occupations;

(D) paying for costs associated with related instruction, or wages while participating in related instruction;

(E) improving educational alignment; and

(F) encouraging employer participation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

CHAPTER 5—ADULT EDUCATION AND LITERACY COVID–19 NATIONAL EMERGENCY RESPONSE

SEC. 3151. DEFINITIONS.

In this chapter, the terms ''adult education'', ''adult education and literacy activities'', ''eligible agency'', ''eligible provider'', and ''integrated education and training'' have the meanings given the terms in section 203 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3272).

SEC. 3152. ADULT EDUCATION AND LITERACY RESPONSE ACTIVITIES.

During the COVID–19 national emergency, an eligible agency may use funds available to such agency under paragraphs (2) and (3) of section 222(a) of the Workforce Innovation and Opportunity Act (20 U.S.C. 3302(a)), for the administrative expenses of the eligible agency related to transitions to online service delivery of adult education and literacy activities.

SEC. 3153. DISTRIBUTION OF FUNDS.

(a) RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES.—From the amounts appropriated under subsection (c), the Secretary shall—

(1) reserve and use funds in accordance with section 211(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3291); and

(2) award grants to eligible agencies in accordance with section 211(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3291), ensuring that not less than 10 percent of the total funds awarded through those grants shall be used to provide adult education and literacy activities in correctional facilities.

(b) USES OF FUNDS.—Each eligible agency or eligible provider shall use the funds received through subsection (a)(2) to expand the capacity of adult education providers to prioritize serving adults with low literacy or numeracy levels negatively impacted by the economic consequences of the COVID–19 national emergency, which may include—

(1) expanding the infrastructure needed for the provision of services and educational resources online or through digital means, including the provision of technology or internet access to students and instructional staff to enable virtual or distance learning;

(2) creating or expanding digital literacy curricula and resources, including professional development activities to aid instructional and program staff in providing online or digital training to students; and

(3) equipping adult education providers to partner more closely with partners in workforce development systems on implementation strategies such as provision of integrated education and training to prepare adult learners on an accelerated timeline for high-skill, high-wage, or in-demand industry sectors and occupations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

CHAPTER 6—COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS

SEC. 3161. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an eligible institution or a consortium of such eligible institutions, which may include a multistate consortium of such eligible institutions.

(2) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means a public institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominantly awarded to students is an associate degree, including a 2-year Tribal College or University (as defined in section 316 of the Higher Education Act (20 U.S.C. 1059c)).

(3) PERKINS CTE DEFINITIONS.—The terms ''career and technical education'', ''dual or concurrent enrollment program'', and ''work-based learning'' have the meanings given the in terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—From the funds appropriated under subsection (h) and not reserved under subsection (f), the Secretary, in collaboration with the Secretary of Education (acting through the Office of Career, Technical, and Adult Education) shall award, on a competitive basis, grants, contracts, or cooperative agreements, in accordance with section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), to eligible entities to assist such eligible entities in—

(A) establishing and scaling career training programs, including career and technical education programs, and industry and sector partnerships to inform such programs; and

(B) providing necessary student supports.

(2) AWARD AMOUNTS.—The total amount of funds awarded under this section to an eligible entity shall not exceed—

(A) in the case of an eligible entity that is eligible institution, $2,500,000; and

(B) in the case of an eligible entity that is a consortium, $15,000,000.

(3) AWARD PERIOD.—A grant, contract, or cooperative agreement awarded under this section shall be for a period of not more than 4 years, except that the Secretary may extend such a grant, contract, or agreement for an additional 2-year period.

(4) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the extent practicable, the equitable distribution of grants, based on—

(A) geography (such as urban and rural distribution); and

(B) States and local areas significantly impacted by the COVID–19 national emergency.

(c) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to eligible entities that will use such funds to serve individuals impacted by the COVID–19 national emergency, as demonstrated by providing an assurance in the application submitted under subsection (d) that the eligible entity will use such funds to—

(1) serve such individuals with barriers to employment, veterans, spouses of members of the Armed Forces, Native Americans, Alaska Natives, Native Hawaiians, or incumbent workers who are low-skilled and who need to increase their employability skills;

(2) serve such individuals from each major racial and ethnic group or gender with lower than average educational attainment in the State or employment in the in-demand industry sector or occupation that such award will support; or

(3) serve areas with high unemployment rates or high levels of poverty, including rural areas.

(d) APPLICATION.—An eligible entity seeking an award of funds under this section shall submit to the Secretary an application containing a grant proposal at such time and in such manner, and containing such information, as required by the Secretary, including a detailed description of the following:

(1) Each entity (and the roles and responsibilities of each entity) with which the eligible entity will partner to carry out activities under this section, including each of the following:

(A) An industry or sector partnership representing a high-skill, high-wage, or in-demand industry sector or occupation.

(B) A State higher education agency or a State workforce agency.

(C) To the extent practicable—

(i) State or local workforce development systems;

(ii) economic development and other relevant State or local agencies;

(iii) one or more community-based organizations;

(iv) one or more institutions of higher education that primarily award 4-year degrees with which the eligible institution has developed or will develop articulation agreements for programs created or expanded using funds under this section;

(v) one or more providers of adult education; and

(vi) one or more labor organizations or joint labor-management partnerships.

(2) The programs that will be supported with such award, including a description of—

(A) each program that will developed or expanded, and how the program will be responsive to the high-skill, high-wage, or in-demand industry sectors or occupations in the geographic region served by the eligible entity under this section, including—

(i) how the eligible entity will collaborate with employers to ensure each such program will provide the skills and competencies necessary to meet future employment demand; and

(ii) the quantitative data and evidence that demonstrates the extent to which each such program will meet the needs of employers in the geographic area served by the eligible entity under this section;

(B) the recognized postsecondary credentials to be awarded under each program described in subparagraph (A);

(C) how each such program will facilitate cooperation between representatives of workers and employers in the local areas to ensure a fair and engaging workplace that balances the priorities and well-being of workers with the needs of businesses;

(D) the extent to which each such program aligns with a statewide or regional workforce development strategy, including such strategies established under section 102(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3112(b)(1)); and

(E) how the eligible entity will ensure the quality of each such program, the career pathways within such programs, and the jobs in the industry sectors or occupations to which the program is aligned.

(3) The extent to which the eligible entity can leverage additional resources, and demonstration of the future sustainability of each such program.

(4) How each such program and activities carried out under the grant will include evidence-based practices, including a description of such practices.

(5) The student populations that will be served by the eligible entity, including—

(A) an analysis of any barriers to employment or barriers to postsecondary education that such populations face, and an analysis of how the services to be provided by the eligible entity under this section will address such barriers; and

(B) how the eligible entity will support such populations to establish a work history, demonstrate success in the workplace, and develop the skills and competencies that lead to entry into and retention in unsubsidized employment.

(6) Assurances the eligible entity will participate in and comply with third-party evaluations described in subsection (f)(3).

(e) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity shall use a grant awarded under this section to establish and scale career training programs, including career and technical education programs, and career pathways and supports for students participating in such programs.

(2) STUDENT SUPPORT AND EMERGENCY SERVICES.—Not less than 15 percent of the grant awarded to an eligible entity under this section shall be used to carry out student support services which may include the following:

(A) Supportive services, including child care, transportation, mental health services, substance use disorder prevention and treatment, assistance in obtaining health insurance coverage, housing, and assistance in accessing the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and other benefits, as appropriate.

(B) Connecting students to State or Federal means-tested benefits programs, including the means-tested Federal benefits programs described in subparagraphs (A) through (F) of section 479(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(d)(2)).

(C) The provision of direct financial assistance to help students facing financial hardships that may impact enrollment in or completion of a program assisted with such funds.

(D) Navigation, coaching, mentorship, and case management services, including providing information and outreach to populations described in subsection (c) to take part in a program supported with such funds.

(E) Providing access to necessary supplies, materials, or technological devices, and required equipment, and other supports necessary to participate in such programs.

(3) ADDITIONAL REQUIRED PROGRAM ACTIVITIES.—The funds awarded to an eligible entity under this section that remain after carrying out paragraph (2) shall be used to—

(A) create, develop, or expand articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965 (20 U.S.C. 1093a(a))), credit transfer agreements, policies to award credit for prior learning, corequisite remediation, dual or concurrent enrollment programs, career pathways, and competency-based education;

(B) establish or expand industry or sector partnerships to develop or expand academic programs and curricula;

(C) establish or expand work-based learning opportunities, including apprenticeship programs or paid internships;

(D) establish or implement plans for programs supported with funds under this section to be included on the eligible training provider, as described under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d));

(E) award academic credit or provide for academic alignment towards credit pathways for programs assisted with such funds, including industry recognized credentials, competency-based education, or work-based learning;

(F) make available open, searchable, and comparable information on the recognized postsecondary credentials awarded under such programs, including the related skills or competencies, related employment, and earnings outcomes; or

(G) acquiring equipment necessary to support activities permitted under this section.

(f) SECRETARIAL RESERVATIONS.—Not more than 5 percent of the funds appropriated for a fiscal year may be used by the Secretary for—

(1) the administration of the program under this section, including providing technical assistance to eligible entities;

(2) targeted outreach to eligible institutions serving a high number or high percentage of low-income populations, and rural serving eligible institutions to provide guidance and assistance in the grant application process under this section; and

(3) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether each eligible entity carrying out a program supported under this section has met the goals of such program as described in the application submitted by eligible entity, including through a national assessment of all such programs at the conclusion of each 4-year grant period.

(g) REPORTS AND DISSEMINATION.—

(1) REPORTS.—Each eligible entity receiving funds under this section shall report to the Secretary annually on—

(A) a description of the programs supported with such funds, including activities carried out directly by the eligible entity and activities carried out by each partner of the eligible entity described in subsection (d)(1);

(B) data on the population served with the funds and labor market outcomes of populations served by the funds;

(C) resources leveraged by the eligible entity to support activities under this section; and

(D) the performance of each such program with respect to the indicators of performance under section 116(b)(2)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(i)).

(2) DISSEMINATION.—Each eligible entity receiving funds under this section shall—

(A) participate in activities regarding the dissemination of related research, best practices, and technical assistance; and

(B) to the extent practicable, and as determined by the Secretary, make available to the public any materials created under the grant.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000,000 for fiscal year 2021, to remain available through fiscal year 2025.

CHAPTER 7—SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 3171. APPROPRIATIONS.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $140,000,000 to carry out title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.), for each of fiscal years 2021 through 2025.

CHAPTER 8—GENERAL PROVISIONS

SEC. 3176. GENERAL PROVISIONS.

(a) SUPPLEMENT, NOT SUPPLANT.—Any Federal funds provided under this subtitle shall be used only to supplement and not supplant the funds that would, in the absence of such Federal funds, be made available from State or local public funds for adult education and literacy activities, employment and training activities, or other activities carried out under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(b) EVALUATIONS.—Any activity or program carried out with funds provided under this subtitle shall be subject to the following:

(1) Measurement with performance accountability indicators in accordance with section 116(b)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)) or as provided as follows:

(A) With respect to an activity or program carried out under section 3131, the measurement with performance accountability indicators shall be in accordance with section 116(b)(2)(A)(ii) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(ii)).

(B) With respect to an activity or program carried out under section 3143, the measurement with performance accountability indicators shall be in accordance with section 116(b)(2)(A)(ii) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(b)(2)(A)(ii)).

(2) Rigorous evaluation using research approaches appropriate to the level of development and maturity of the activity or program, which evaluation may include random assignment or quasi-experimental impact evaluations, implementation evaluations, pre-experimental studies, and feasibility studies, including studies of job quality measures and credential transparency.

(c) USES OF FUNDS.—From the funds appropriated under subsection (d), the Secretary of Labor shall—

(1) support the administration of the funds under this subtitle and evaluation of activities and programs described in subsection (b), including by providing guidance and technical assistance to States and local areas;

(2) establish an interagency agreement with the Secretary of Education for—

(A) coordination of funding priorities, with other relevant Federal agencies, as applicable;

(B) dissemination and administration of grants and funding under this subtitle; and

(C) execution of research and evaluation activities to minimize the duplication of efforts and job training investments;

(3) provide guidance to States and local areas on how to make, and financial support to enable the States and local areas to make, information on recognized postsecondary credentials and related competencies being awarded for activities carried out with funds under this subtitle publicly available, searchable, and comparable as linked open data;

(4) not later than 30 days after the date of enactment of this Act, issue guidance for implementing this subtitle in accordance with the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(5) provide not less than $1,000,000 for each fiscal year for the Office of Inspector General of the Department of Labor to oversee the administration and distribution of funds under this subtitle.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $90,000,000 to carry out this section for fiscal year 2021, to remain available through fiscal year 2025.

Subtitle B—Carl D. Perkins Career and Technical Education Act of 2006

SEC. 3201. DEFINITIONS AND PERKINS CTE REQUIREMENTS.

(a) PERKINS CTE DEFINITIONS AND REQUIREMENTS.—Except as otherwise provided, in this subtitle—

(1) the terms have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302); and

(2) an allotment, allocation, or other provision of funds made under this subtitle in accordance with a provision of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) shall be made in compliance with the applicable requirements of such Act (20 U.S.C. 2301 et seq.).

(b) OTHER DEFINITIONS.—In this subtitle:

(1) CORONAVIRUS.—The term ''coronavirus'' means coronavirus as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123).

(2) COVID–19 NATIONAL EMERGENCY.—The term ''COVID–19 national emergency'' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

SEC. 3202. COVID–19 CAREER AND TECHNICAL EDUCATION RESPONSE FLEXIBILITY.

(a) POOLING OF FUNDS.—An eligible recipient may, in accordance with section 135(c) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2355(c)), pool a portion of funds received under such Act with a portion of funds received under such Act available to one or more eligible recipients to support the transition from secondary education to postsecondary education or employment for CTE participants whose academic year was interrupted by the COVID–19 national emergency.

(b) PROFESSIONAL DEVELOPMENT.—During the COVID–19 national emergency, section 3(40)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(40)(B)) shall apply as if ''sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused,'' were struck.

SEC. 3203. PERKINS CAREER AND TECHNICAL EDUCATION.

(a) DISTRIBUTION OF FUNDS.—

(1) STATES.—From the amounts appropriated under subsection (c), the Secretary shall make allotments to eligible agencies in accordance with section 111(a)(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321(a)(3)).

(2) LOCAL AREAS.—

(A) IN GENERAL.—Not later than 30 days after an eligible agency receives an allotment under paragraph (1), the eligible agency shall make available such funds in accordance with section 112(a) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2322(a)), including making such funds available for distribution to eligible recipients in accordance with sections 131 and 132 of such Act.

(B) RESERVED FUNDS.—An eligible agency that reserves funds in accordance with section 112(a)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2322(a)) to be used in accordance with

section 112(c) of such Act, may also use such reserved funds for digital, physical, or technology infrastructure related projects to improve career and technical education offerings within the State.

(b) USES OF FUNDS.—Each eligible agency and eligible recipient shall use the funds received under this section to carry out activities improving or expanding career and technical education programs and programs of study to adequately respond to State and local needs as a result of the COVID–19 national emergency, including—

(1) expanding and modernizing digital, physical, or technology infrastructure to deliver in-person, online, virtual, and simulated educational and work-based learning experiences;

(2) acquiring appropriate equipment, technology, supplies, and instructional materials aligned with business and industry needs, including machinery, testing equipment, tools, hardware, software, and other new and emerging instructional materials;

(3) providing incentives to employers and CTE participants facing economic hardships due to the COVID–19 national emergency to participate in work-based learning programs;

(4) expanding or adapting program offerings or supports based on an updated comprehensive needs assessment to systemically respond to employers' and CTE participants' changing needs as a result of the COVID–19 national emergency; or

(5) providing for professional development and training activities for career and technical education teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals to support activities carried out under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000,000 for fiscal year 2021, to remain available through fiscal year 2023.

SEC. 3204. GENERAL PROVISIONS.

(a) SUPPLEMENT, NOT SUPPLANT.—Any Federal funds provided under this subtitle shall be used only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for career and technical education programs or other activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and not to supplant such funds.

(b) EVALUATIONS.—Any activity or program carried out with funds received under this subtitle shall be subject to—

(1) performance accountability indicators in accordance with section 113 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2323); and

(2) rigorous evaluation using research approaches appropriate to the level of development and maturity of the activity or program, including random assignment or quasi-experimental impact evaluations, implementation evaluations, pre-experimental studies, and feasibility studies, including studying job quality measures and credential transparency.

(c) USES OF FUNDS.—From the funds appropriated under subsection (d), the Secretary shall—

(1) support the administration of the funds for this subtitle and evaluation of such activities described in subsection (b);

(2) establish an interagency agreement with the Secretary of Labor for—

(A) coordinating funding priorities, including with other relevant Federal agencies, including the Department of Health and Human Services;

(B) dissemination and administration of grants and funding under this subtitle; and

(C) execution of research and evaluation activities to minimize the duplication of efforts and job training investments and facilitate greater blending and braiding of Federal and non-Federal funds;

(3) not later than 30 days after the date of enactment of this Act, issue guidance for implementing this subtitle in accordance with the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.); and

(4) provide not less than $250,000 for each fiscal year for the Office of Inspector General of the Department of Education to oversee the administration and distribution of funds under this subtitle.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2021, to remain available through fiscal year 2025.

Subtitle C—Pandemic TANF Assistance

SEC. 3301. EMERGENCY FLEXIBILITY FOR STATE AND TRIBAL TANF PROGRAMS.

(a) SUSPENSION OF REQUIREMENTS AND PENALTIES RELATING TO THE TIME LIMIT FOR ASSISTANCE, WORK, AND CERTAIN OTHER REQUIREMENTS.—

(1) IN GENERAL.—During the applicable period—

(A) sections 407(a), 407(e)(1), and 408(a)(7)(A) of the Social Security Act (42 U.S.C. 607(a), 607(e)(1), 608(a)(7)(A)) shall have no force or effect;

(B) no penalty shall be imposed against an individual or the individual's family with respect to section 407(e)(1) or 408(b)(3) of such Act (42 U.S.C. 607(e)(1), 608(b)(3));

(C) a State shall not deny, reduce, or terminate assistance to a family because an individual does not comply with such section 407(e)(1) or does not otherwise engage in work required by the State;

(D) a State shall not deny, reduce, or terminate assistance to an individual or the individual's family with respect to a failure to cooperate with completing the assessment required under section 408(b)(1) of such Act (42 U.S.C. 608(b)(1));

(E) a State may defer a required assessment of the employability of an individual under section 408(b) of such Act (42 U.S.C. 608(b)) to 90 days following the end of the applicable period;

(F) no condition on assistance for an individual or the individual's family shall be imposed in connection with enforcing penalties described in section 409(a)(5) of such Act (42 U.S.C. 609(a)(5));

(G) no penalty shall be imposed against an individual or the individual's family with respect to section 408(a)(2) of such Act (42 U.S.C. 608(a)(2)); and

(H) paragraphs (3), (5), (8), (9), (14), and (15) of section 409(a) of such Act (42 U.S.C. 609(a)) shall not apply with respect to any violation of a requirement described in such a paragraph that occurs during or with respect to the applicable period.

(2) TRIBAL PROGRAMS.—During the applicable period—

(A) the minimum work participation requirements and time limits established under section 412(c) of the Social Security Act (42 U.S.C. 612(c)) shall have no force or effect;

(B) no penalty shall be imposed against an individual or the individual's family with respect to a violation of such requirements or limits;

(C) no condition on assistance for an individual or the individual's family shall be imposed in connection with enforcing penalties described in section 409(a)(5) of such Act (42 U.S.C. 609(a)(5)); and

(D) the penalties established under such section 412(c) shall not apply with respect to conduct engaged in during or with respect to the applicable period.

(b) APPLICATION TO PROGRAM ENFORCEMENT PROVISIONS.—

(1) WAIVER OF CERTAIN PENALTIES.—The Secretary shall not impose a penalty against a State or Indian tribe under paragraph (3), (5), (8), (9), (14), or (15) of section 409(a) of such Act (42 U.S.C. 609(a)) with respect to any violation of a requirement described in such a paragraph that occurs during or with respect to the applicable period.

(2) CORRECTIVE COMPLIANCE PLANS.—If a State or Indian tribe has a corrective compliance plan in effect during or with respect to the applicable period that involves a violation for which a penalty specified in paragraph (1) would be imposed, the Secretary shall—

(A) disregard the months occurring during the applicable period (and any portion of such months) for purposes of determining whether the State or Indian tribe has not, in a timely manner, corrected or discontinued, as appropriate, the violation pursuant to the corrective compliance plan accepted by the Secretary; and

(B) consult with the State or Indian tribe on modifications to the corrective compliance plan for how the State will correct or discontinue, as appropriate, the violation and how the State will ensure compliance with the requirements of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) after the applicable period ends.

(c) PENALTY FOR NONCOMPLIANCE.—

(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, if the Secretary finds that during or with respect to the period that begins on the date of enactment of this section and ends on the date specified in section 106(3) of division A of the Continuing Appropriations Act, 2021, and Other Extensions Act, a State or an Indian tribe has imposed a penalty waived under subsection (a), including denying, reducing, terminating, or conditioning assistance under a program funded under part A of title IV of the Social Security Act or any program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)), the Secretary shall reduce the grant payable to the State under section 403(a)(1) of such Act (42 U.S.C. 603(a)(1)) or the grant payable to the tribe under section 412(a)(1) of such Act (42 U.S.C. 612(a)(1)) for fiscal year 2021 by an amount equal to 5 percent of the State or tribal family assistance grant (as applicable).

(2) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under paragraph (1) with respect to fiscal year 2021 based on the degree of noncompliance.

(3) APPLICATION OF AGGREGATE PENALTY LIMIT.—For purposes of section 409(d) of the Social Security Act (42 U.S.C. 609(d)), paragraph (1) of this subsection shall be considered to be included in section 409(a) of such Act.

(d) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term ''applicable period'' means the period that begins on October 1, 2019, and ends on the date specified in section 106(3) of division A of the Continuing Appropriations Act, 2021, and Other Extensions Act.

(2) OTHER TERMS.—Each other term has the meaning given the term for purposes of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SEC. 3302. CORONAVIRUS EMERGENCY ASSISTANCE GRANTS FOR LOW-INCOME FAMILIES.

Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

"SEC. 602. CORONAVIRUS EMERGENCY ASSISTANCE GRANTS FOR LOW-INCOME FAMILIES.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, each emergency grant State shall be entitled to receive from the Secretary a grant pursuant to this section for fiscal year 2021 in the amount determined for the State under subsection (b).

''(b) AMOUNT OF GRANTS.—

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the amount of the grant for an emergency grant State for the period described in subsection (a) shall be the amount equal to the product of—

''(A) the amount appropriated in paragraph (1) of subsection (h) that remains after the application of paragraph (2) of that subsection; and

''(B) the quotient of—

''(i) the number of individuals in families with income below the poverty line in the State in the most recent year for which data are available from the Bureau of the Census; and

''(ii) the number of individuals in families with income below the poverty line in all States (other than States specified in subsection (h)(2)(A)) in such year.

''(2) OTHER STATES.—The amount of the grant for an emergency grant State specified in subsection (h)(2)(A) shall be based on such poverty data as the Secretary determines appropriate.

''(3) REDISTRIBUTION OF UNUSED FUNDS.—The Secretary shall redistribute, under a procedure and methodology the Secretary determines appropriate, funds available for payments to emergency grant States under this section for which, as of July 30, 2021, States have not applied to be paid to other emergency grant States that apply for payment from such funds.

''(4) INCLUSION OF FAMILIES OF 1.—For purposes of paragraphs (1), (2), and (3), in determining the number of individuals in families with income below the poverty line in a State, the Secretary shall take household composition into account and shall treat a single individual as a family of 1, without regard to whether the household of the individual is composed of more than 1 family.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An emergency grant State receiving a grant under this section shall only use the grant funds for the following:

''(A) To provide short-term cash, non-cash, or in-kind emergency disaster relief (as appropriate) to—

''(i) help eligible families address and avoid emergencies with respect to basic needs;

''(ii) prevent or remedy household emergencies of eligible families, such as evictions, foreclosures, forfeitures, and terminations of utility services; and

''(iii) help eligible families address and avoid emergencies so that children may be cared for in their own homes or in the homes of relatives.

''(B) To ensure the safety and well-being of all individuals during the period of a Federal or State emergency declaration concerning Coronavirus Disease 2019 (COVID-19), by providing subsidized jobs for individuals who are members of eligible families that can be performed remotely or are deemed essential (with individuals provided proper personal protective equipment and complying with Federal and State social distancing guidelines).

''(C) To provide subsidized employment for individuals who are members of eligible families after the period of a Federal or State emergency declaration concerning Coronavirus Disease 2019 (COVID-19) ends (when safe to do so, taking into account the need to prevent the spread or reoccurrence of coronavirus).

''(2) NONDISPLACEMENT.—An emergency grant State receiving a grant under this section shall not use the grant funds to—

''(A) displace or replace an employee, position, or volunteer, or to partially displace or replace an employee, position or volunteer, such as through a reduction in hours, wages, or employment benefits;

''(B) displace or replace an employee participating in a strike, collective bargaining or union activities, or union organizing; or

''(C) displace or replace an employee who was furloughed or unable to work due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) (including due to illness, measures taken to avoid infection, or needing to provide care for another individual).

''(3) NONDISCRIMINATION.—An emergency grant State receiving a grant under this section shall not employ any policies or practices that have the effect of making any eligible family less likely to receive assistance by reason of race, sex, religious creed, national origin, or political affiliation.

''(4) PROTECTING OTHER BENEFITS.—For purposes of any Federal, State, or local law, including those for purposes of public assistance programs and taxation, any benefit provided under paragraph (1)(A) for an eligible family shall be treated as short-term, noncash, in-kind emergency disaster relief without regard to the form in which the benefit is provided and shall be disregarded from income.

''(d) STATE LETTER OF INTENT.—

''(1) IN GENERAL.—In order to receive a payment for a fiscal year quarter from the grant determined for an emergency grant State under this section, a State shall submit a letter of intent to the Secretary, not later than 30 days before the first day of each such quarter (or, in the case of a quarter that has started or will start within 30 days of the date of enactment of this section, a State shall submit a letter of intent to the Secretary not later than 15 days after such date of enactment in order to receive an emergency grant for that quarter) that—

''(A) specifies the amount of funds requested by the State for a quarter;

''(B) describes how the State will use the funds to assist eligible families during the quarter; and

''(C) describes how funds provided will not supplant any existing expenditures or programs funded or administered by the State.

''(2) PUBLIC AVAILABILITY.—The State shall make the letter of intent submitted by the State under this subsection available to the public.

''(3) NO DELAY OF PAYMENTS; HOLD HARMLESS.—

''(A) IN GENERAL.—The Secretary shall make payments by the applicable deadline under subsection (f)(2) to each State that submits a letter of intent for a quarter by the applicable deadline under paragraph (1), without regard to whether the Secretary has issued the guidance required under subsection (f)(1).

''(B) HOLD HARMLESS.—A State that uses funds paid to the State for any quarter occurring prior to the issuance of the guidance required under subsection (f)(1) consistent with the letter of intent submitted by the State for the quarter and the State's good faith interpretation of the requirements of this section, shall not be penalized under subsection (f)(3) or in any other manner if, after such guidance is issued, the Secretary determines the State did not use the funds consistent with such guidance.

''(e) REPORTS.—

''(1) STATE REPORTS.— Not later than January 1, 2022, each emergency grant State shall submit a report to the Secretary on how the State used the grant funds received by the State in such form and manner, and containing such information, as the Secretary shall require.

''(2) REPORT TO CONGRESS.—Not later than September 30, 2022, the Secretary shall submit a report to Congress on the grants made under this section based on the reports submitted under paragraph (1).

''(f) MISCELLANEOUS.—

''(1) EXPEDITED IMPLEMENTATION.—The Secretary shall implement this section as quickly as reasonably possible, pursuant to the issuance of appropriate guidance to States.

''(2) TIMELY DISTRIBUTION OF GRANTS.—

''(A) INITIAL PAYMENTS.—Not later than 30 days after the date of enactment of this section, the Secretary shall pay each State that is an emergency grant State as of such date, the grant payable to such State for the 1st quarter of fiscal year 2021.

''(B) SUBSEQUENT PAYMENTS.—The Secretary shall continue to make payments not later than the first day of each quarter to emergency grant States under this section for the 2d, 3rd, and 4th quarters of fiscal year 2021.

''(3) MISUSE OF FUNDS.—

''(A) IN GENERAL.—If the Secretary determines that an emergency grant State has used grant funds received by the State in violation of the requirements of this section, the State shall remit to the Secretary an amount equal to the amount so used.

''(B) APPLICATION OF APPEAL PROCEDURES.—Section 410 shall apply to a determination by the Secretary under subparagraph (A) in the same manner as such section applies to an imposition of a penalty under section 409.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE FAMILIES.—The term 'eligible family' means a family (including a family of one)—

''(A) whose monthly income, as of the date on which the family applies for emergency disaster relief or subsidized employment, does not exceed 200 percent of the poverty line applicable to a family of the size involved (as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

''(B) that has been adversely affected by the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) (including due to illness, economic disruption, measures taken to avoid infection, or needing to provide care for another individual).

''(2) EMERGENCY GRANT STATE.—The term 'emergency grant State' means a State that submits a letter of intent containing the information specified in subsection (d)(1) to the Secretary with respect to a fiscal year quarter by the submission deadline for such quarter.

''(3) STATE.—The term 'State' has the meaning given that term in section 419(5) and includes the Commonwealth of the Northern Mariana Islands and Indian tribes as defined in section 419(4).

''(h) APPROPRIATION.—

''(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2021, $10,000,000,000 for grants under this section, to remain available until expended.

''(2) RESERVATION OF FUNDS.—

''(A) CERTAIN TERRITORIES.—The Secretary shall reserve 5 percent of the amount appropriated under paragraph (1) for grants to Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Indian tribes (as defined in section 419(4)).

''(B) TECHNICAL ASSISTANCE.—The Secretary shall reserve $500,000 of the amount appropriated under paragraph (1) to provide

technical assistance to States and Indian tribes with respect to the emergency grants made under this section.''.

Subtitle D—Preventing Child Abuse and Neglect

SEC. 3401. CAPTA INVESTMENTS.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—There is appropriated to the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), out of amounts in the Treasury not otherwise appropriated, $500,000,000 for fiscal year 2021, for the purpose of providing additional funding for the State grant program under section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a).

(2) ALLOTMENTS.—The Secretary shall make allotments out of the amounts appropriated under paragraph (1) to each State and territory receiving an allotment under section 106(f) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(f)) for fiscal year 2020, in the same manner that amounts appropriated under section 112 of such Act (42 U.S.C. 5106f)) are allotted to States in accordance with section 106(f)(2) of such Act.

(3) CHILDREN, FAMILIES, AND CHILD WELFARE WORKERS' HEALTH AND SAFETY.—The Secretary shall allow each State to use amounts appropriated under paragraph (1) and allocated under paragraph (2) to cover costs that the State determines necessary to support child welfare workers in preventing, investigating, and treating child abuse and neglect in response to a qualifying emergency, including for the purchase of personal protective equipment and sanitation supplies, consistent with section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a).

(b) CHILD ABUSE PREVENTION APPROPRIATION.—

(1) IN GENERAL.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2020, for the purpose of providing additional funding for the community-based grants for the prevention of child abuse and neglect under title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.).

(2) ALLOTMENTS.—The Secretary shall make allotments out of the amounts appropriated under paragraph (1) to each State receiving an allotment under section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) for fiscal year 2020, in the same manner that amounts appropriated under section 209 of such Act (42 U.S.C. 5116i) are allotted to States in accordance with section 203 of such Act, except that, in allotting amounts under this subsection—

(A) in subsection (a) of such section 203, ''1 percent'' shall be deemed to be ''5 percent'';

(B) in subsection (b)(1)(A) of such section 203, ''70 percent'' shall be deemed to be ''100 percent''; and

(C) subsections (b)(1)(B) and (c) of such section 203 shall not apply.

(3) COMMUNITY-BASED PROGRAMS AND ACTIVITIES HEALTH AND SAFETY.—The Secretary shall allow each State lead entity to use amounts appropriated under paragraph (1) and allocated to the State under paragraph (2) to cover costs that the lead entity determines necessary to maintain the operation of community-based and prevention-focused programs and activities in the State in response to a qualifying emergency, including for the purchase of personal protective equipment and sanitation supplies, consistent with title II of Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.).

(4) NO STATE MATCHING REQUIREMENT.—Notwithstanding section 204(4) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d(4)), a State shall not be required to provide any additional funding for the program under title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) as a condition for receiving an allocation under paragraph (2).

(c) IN GENERAL.—Any amount appropriated or made available under this section is in addition to other amounts appropriated or made available for the applicable purpose, and shall remain available until expended.

Subtitle E—Modernizing Child Support

SEC. 3501. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This subtitle may be cited as the ''Strengthening Families for Success Act of 2020''.

(b) SECRETARY DEFINED.—In this subtitle, the term ''Secretary'' means the Secretary of Health and Human Services.

CHAPTER 1—PROMOTING RESPONSIBLE FATHERHOOD AND STRENGTHENING LOW-INCOME FAMILIES

SEC. 3511. REAUTHORIZATION OF HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD GRANTS.

(a) VOLUNTARY PARTICIPATION.—

(1) ASSURANCE.—Section 403(a)(2)(A)(ii)(II) of the Social Security Act (42 U.S.C. 603(a)(2)(A)(ii)(II)) is amended—

(A) in item (aa), by striking ''and'' after the semicolon;

(B) in item (bb), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(cc) if the entity is a State or an Indian tribe or tribal organization, to not condition the receipt of assistance under the program funded under this part, under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), or under a program funded under part B or E of this title, on enrollment or participation in any such programs; and

''(dd) to permit any participant in a program or activity funded under this paragraph, including an individual whose participation is specified in the individual responsibility plan developed for the individual in accordance with section 408(b), to transfer to another such program or activity upon notification to the entity and the State agency responsible for administering the State program funded under this part.''.

(2) PROHIBITION.—Section 408(a) of such Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(13) BAN ON CONDITIONING RECEIPT OF TANF OR CERTAIN OTHER BENEFITS ON PARTICIPATION IN A HEALTHY MARRIAGE OR RESPONSIBLE FATHERHOOD PROGRAM.—A State to which a grant is made under section 403 shall not condition the receipt of assistance under the State program funded under this part, under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), or under a program funded under part B or E of this title, on participation in a healthy marriage promotion activity (as defined in section 403(a)(2)(A)(iii)) or in an activity promoting responsible fatherhood (as defined in section 403(a)(2)(C)(ii)).''.

(3) PENALTY.—Section 409(a) of such Act (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(17) PENALTY FOR CONDITIONING RECEIPT OF TANF OR CERTAIN OTHER BENEFITS ON PARTICIPATION IN A HEALTHY MARRIAGE OR RESPONSIBLE FATHERHOOD PROGRAM.—If the Secretary determines that a State has violated section 408(a)(13) during a fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.''.

(b) ALIGNMENT OF ENTITIES ELIGIBLE FOR GRANTS AND TECHNICAL ASSISTANCE.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)) is further amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''territories,'' after ''States,''; and

(B) by adding at the end the following:

''(iv) ELIGIBLE ENTITIES.—States, territories, Indian tribes and tribal organizations, public or private entities, and nonprofit community entities, including religious organizations, are eligible to be awarded funds made available under this paragraph for the purpose of carrying out healthy marriage promotion activities, for the purpose of carrying out activities promoting responsible fatherhood, or for both such purposes.

''(v) TERRITORY DEFINED.—For purposes of awarding funds under this paragraph, the term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''; and

(2) in subparagraph (C)(i), by striking ''and public'' and inserting ''public or private entities,''.

(c) TERRITORY AND TRIBAL SET-ASIDE; ELIMINATION OF PREFERENCE PROVISION.—Section 403(a)(2)(E) of such Act (42 U.S.C. 603(a)(2)(E)) is amended to read as follows:

''(E) FUNDING FOR TERRITORIES AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

''(i) IN GENERAL.—Of the amounts made available under subparagraph (D) for a fiscal year, not less than 10 of the awards made by the Secretary of such funds for fiscal year 2021 or any fiscal year thereafter for the purpose of carrying out healthy marriage promotion activities, activities promoting responsible fatherhood, or both, (excluding any award under subparagraph (B)(i) for any fiscal year), shall be made to a territory or an Indian tribe or tribal organization.

''(ii) CLARIFICATION OF ELIGIBILITY OF TRIBAL CONSORTIUMS.—A tribal consortium of Indian tribes or tribal organizations may be awarded funds under this paragraph for the purpose of carrying out healthy marriage promotion activities, activities promoting responsible fatherhood, or both.''.

(d) ACTIVITIES PROMOTING RESPONSIBLE FATHERHOOD.—Section 403(a)(2)(C)(ii) of such Act (42 U.S.C. 603(a)(2)(C)(ii)) is amended—

(1) in subclause (I), by striking ''marriage or sustain marriage'' and inserting ''healthy relationships and marriages or to sustain healthy relationships or marriages'';

(2) in subclause (II), by inserting ''educating youth who are not yet parents about the economic, social, and family consequences of early parenting, helping participants in fatherhood programs work with their own children to break the cycle of early parenthood,'' after ''child support payments,''; and

(3) in subclause (III)—

(A) by striking ''fathers'' and inserting ''parents (with priority for low-income noncustodial parents)''; and

(B) by inserting ''employment training for both parents and for other family members,'' after ''referrals to local employment training initiatives,''.

(e) ENSURING HEALTHY MARRIAGE PROMOTION AND RESPONSIBLE FATHERHOOD ACTIVITIES CAN BE OFFERED DURING PUBLIC HEALTH EMERGENCIES.—

(1) IN GENERAL.—Section 403(a)(2)(A)(ii)(I) of such Act (42 U.S.C. 603(a)(2)(A)(ii)(I)) is amended—

(A) in each of items (aa) and (bb), by striking ''and'' after the semicolon; and

(B) by adding at the end the following:

''(cc) how, and the extent to which, funds awarded will be used by the entity for technology and access to broadband in order to

carry out healthy marriage promotion activities, activities promoting responsible fatherhood, or both, remotely during a public health emergency; and

''(dd) how the entity will sustain continuity of critical services, specifying the scope of the critical services to be maintained, and the ability of the entity to be able to resume providing such services within 3 weeks of the beginning of a public health emergency or other incident that compromises the ability of the entity to deliver such services in-person, by telephone, or virtually; and''.

(2) PUBLIC HEALTH EMERGENCY DEFINED.—Section 403(a)(2)(A) of such Act (42 U.S.C. 603(a)(2)(A)) is further amended—

(A) by redesignating clauses (iv) and (v) (as added by subsection (b)(1)) as clauses (v) and (vi), respectively; and

(B) by inserting after clause (iii) the following:

''(iv) PUBLIC HEALTH EMERGENCY DEFINED.—In clause (ii), the term 'public health emergency' means—

''(I) a national or public health emergency declared by the President or the Secretary, including—

''(aa) a major disaster relating to public health declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

''(bb) an emergency relating to public health declared by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); or

''(cc) a public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

''(II) an emergency relating to public health that has been declared by a Governor or other appropriate official of any State, the District of Columbia, or commonwealth, territory, or locality of the United States.''.

(f) MEASURING OUTCOMES FOR ELIGIBLE FAMILIES.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)), as amended by the preceding subsections of this section, is further amended—

(1) in subparagraph (A)—

(A) in clause (ii)—

(i) in subclause (I)(dd), by striking ''and'' after the semicolon;

(ii) in subclause (II)—

(I) in item (cc), by striking ''and'' after the semicolon;

(II) in item (dd), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(ee) to submit the report required under clause (vi); and''; and

(iii) by adding at the end the following:

''(III) provides, subject to the approval of the Secretary, for evaluations of the activities carried out using each grant made under this paragraph that satisfy the requirements of subparagraph (F).''; and

(B) by adding at the end the following:

''(vii) REQUIREMENTS RELATING TO OUTCOMES FOR MEASURING IMPROVEMENTS.—

''(I) REPORT ON IMPROVEMENTS AFTER 3 YEARS.—Not later than 30 days after the end of the 3rd year in which an eligible entity conducts programs or activities with funds made available under this paragraph, the entity shall submit a report to the Secretary demonstrating the extent to which the programs and activities carried out with such funds made quantifiable, measurable improvements in the areas identified in the entity's application in accordance with clause (ii)(III).

''(II) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to help the eligible entity develop and implement ways to evaluate and improve outcomes for eligible families. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

''(III) ADVISORY PANEL.—The Secretary shall establish an advisory panel for purposes of obtaining recommendations regarding the technical assistance provided to entities in accordance with subclause (II).

''(IV) FINAL REPORT.—Not later than December 31 of the first calendar year that begins after October 1 of the 5th consecutive fiscal year for which an eligible entity conducts programs or activities with funds made available under this paragraph, and every 5th such fiscal year thereafter (beginning with funds awarded for fiscal year 2021), the eligible entity shall submit a report to the Secretary demonstrating the extent to which the programs and activities carried out with such funds made quantifiable, measurable improvements in the areas identified in the entity's application for funding for such 5 fiscal years.

''(V) REPORT TO CONGRESS.—Not later than March 31, 2026, and annually thereafter, the Secretary shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the programs and activities carried out with funds made available under this paragraph based on the most recent final reports submitted under subclause (IV). Each report submitted under this subclause shall identify the programs and activities carried out with funds made available under this paragraph which made quantifiable, measurable improvements and in which outcome areas.''; and

(2) by adding at the end the following new subparagraph:

''(F) EVALUATION REQUIREMENTS.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(ii)(III), an evaluation satisfies the requirements of this subparagraph if—

''(I) the evaluation is designed to—

''(aa) build evidence of the effectiveness of the activities carried out using each grant made under this paragraph;

''(bb) determine the lessons learned (including barriers to success) from such activities; and

''(cc) to the extent practicable, help build local evaluation capacity, including the capacity to use evaluation data to inform continuous program improvement; and

''(II) the evaluation includes research designs that encourage innovation and reflect the nature of the activities undertaken, successful implementation efforts, and the needs of the communities, without prioritizing efficacy research over effectiveness research.

''(ii) RANDOMIZED CONTROLLED TRIALS.—An evaluation conducted in accordance with subparagraph (A)(ii)(III) and this subparagraph may, but shall not be required to, include a randomized controlled trial.

''(iii) OUTCOMES.—Outcomes of interest for an evaluation conducted in accordance with subparagraph (A)(ii)(III) and this subparagraph shall include, but are not limited to, the following:

''(I) Relationship quality between custodial and non-custodial parents.

''(II) Family economic wellbeing, including receipt of public benefits and access to employment services and education.

''(III) Payment of child support by non-custodial parents, non-financial contributions, and involvement in child-related activities.

''(IV) Parenting skills or parenting quality.

''(V) Health and mental health outcomes of parents.

''(VI) Quality and frequency of contact between children and non-custodial parents.

''(VII) Reduction in crime or domestic violence.

''(VIII) Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction of emergency department visits.

''(IX) Coordination and referrals for other community resources and supports.''.

(g) AUTHORITY FOR SUBSTITUTION GRANTEES.—Section 403(a)(2)(A) of such Act (42 U.S.C. 603(a)(2)(A)), as amended by subsections (b)(1), (e)(2), and (f)(2), is further amended—

(1) in clause (ii), in the matter preceding subclause (I), by striking ''The Secretary'' and inserting ''Except as provided in clause (viii), the Secretary''; and

(2) by adding at the end the following:

''(viii) AUTHORITY FOR SUBSTITUTE ENTITIES.—If, after being awarded funds under this paragraph for a fiscal year for the purpose of carrying out healthy marriage promotion activities, activities promoting responsible fatherhood, or both, an entity becomes unable to continue to carry out such activities for the duration of the award period, the Secretary may select another entity to carry out such activities with the funds from the initial award that remain available for obligation, for the remainder of the initial award period. The Secretary shall make any such selection from among applications submitted by other entities for funding to carry out the same activities as the activities for which the initial award was made, and may base the criteria for making such a selection on the objectives specified in the announcement of the opportunity to apply for the initial award funds.''.

(h) REAUTHORIZATION.—Section 403(a)(2)(D) of such Act (42 U.S.C. 603(a)(2)(D)) is amended to read as follows:

''(D) APPROPRIATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2021 through and 2025 for expenditure in accordance with this paragraph—

''(I) $75,000,000 for awarding funds for the purpose of carrying out healthy marriage promotion activities; and

''(II) $75,000,000 for awarding funds for the purpose of carrying out activities promoting responsible fatherhood.

''(ii) DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—If the Secretary makes an award under subparagraph (B)(i) for any fiscal year, the funds for such award shall be taken in equal portion from the amounts appropriated under subclauses (I) and (II) of clause (i).

''(iii) RESEARCH; TECHNICAL ASSISTANCE.—The Secretary may use 0.5 percent of the amounts appropriated under each of subclauses (I) and (II) of clause (i), respectively, for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribes and tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under another provision of this part.''.

CHAPTER 2—IMPROVING RESOURCES FOR DOMESTIC VIOLENCE AND FAMILY STRENGTHENING

SEC. 3521. BEST PRACTICES FOR COORDINATION OF POLICY TO ADDRESS DOMESTIC VIOLENCE AND FAMILY ENGAGEMENT.

The Secretary shall develop a coordinated policy to address domestic violence and family strengthening that—

(1) establishes criteria and best practices for coordination and partnership between domestic violence shelter and service organizations and responsible fatherhood and healthy marriage promotion programs;

(2) not later than 120 days after the date of enactment of this Act, issue guidance containing such criteria and best practices; and

(3) update and reissue such criteria and best practices at least once every 5 years.

SEC. 3522. GRANTS SUPPORTING HEALTHY FAMILY PARTNERSHIPS FOR DOMESTIC VIOLENCE INTERVENTION AND PREVENTION.

Section 403(a) of the Social Security Act (42 U.S.C. 603(a)) is amended by adding at the end the following new paragraph:

''(6) GRANTS SUPPORTING HEALTHY FAMILY PARTNERSHIPS FOR DOMESTIC VIOLENCE INTERVENTION AND PREVENTION.—

''(A) IN GENERAL.—The Secretary shall award grants on a competitive basis to healthy family partnerships to build capacity for, and facilitate such partnerships.

''(B) USE OF FUNDS.—Funds made available under a grant awarded under this paragraph may be used for staff training, the provision of domestic violence intervention and prevention services, and the dissemination of best practices for—

''(i) assessing and providing services to individuals and families affected by domestic violence, including through caseworker training, the provision of technical assistance to other community partners, the implementation of safe visitation and exchange programs, and the implementation of safe child support procedures; or

''(ii) preventing domestic violence, particularly as a barrier to economic security, and fostering healthy relationships.

''(C) APPLICATION.—The respective entity and organization of a healthy family partnership entered into for purposes of receiving a grant under this paragraph shall submit a joint application to the Secretary, at such time and in such manner as the Secretary shall specify, containing—

''(i) a description of how the partnership intends to carry out the activities described in subparagraph (B), including a detailed plan for how the entity and organization comprising the partnership will collaborate;

''(ii) an assurance that funds made available under the grant shall be used to supplement, and not supplant, other funds used by the entity or organization to carry out programs, activities, or services described in subparagraph (B); and

''(iii) such other information as the Secretary may require.

''(D) GENERAL RULES GOVERNING USE OF FUNDS.—Neither the rules of section 404 (other than subsection (b) of that section), nor section 417 shall apply to a grant made under this paragraph.

''(E) DEFINITIONS.—In this paragraph:

''(i) DOMESTIC VIOLENCE.—The term 'domestic violence' means violence between intimate partners, which involves any form of physical violence, sexual violence, stalking, or psychological aggression, by a current or former intimate partner.

''(ii) HEALTHY FAMILY PARTNERSHIP.—The term 'healthy family partnership' means a partnership between—

''(I) an entity receiving funds under—

''(aa) a grant made under paragraph (2) to promote healthy marriage or responsible fatherhood; or

''(bb) the pilot program established under section 469C; and

''(II) a domestic violence shelter and service organization.

''(F) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2022 through 2025, $25,000,000 to carry out this paragraph.''.

SEC. 3523. PROCEDURES TO ADDRESS DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)), as amended by subsections (c) and (h) of section 3511, is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (C) the following:

''(D) REQUIREMENTS FOR RECEIPT OF FUNDS.—An entity may not be awarded a grant under this paragraph unless the entity, as a condition of receiving funds under such a grant—

''(i) agrees to coordinate with the State domestic violence coalition (as defined in section 302(11) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(11));

''(ii) identifies in its application for the grant the domestic violence shelter and service organization at the local, State, or national level with whom the entity will partner with respect to the development and implementation of the programs and activities of the entity;

''(iii) describes in such application how the programs or activities proposed in the application will address, as appropriate, issues of domestic violence, and contains a commitment by the entity to consult with experts in domestic violence or relevant domestic violence shelter and service organizations in the community in developing the programs and activities;

''(iv) describes in such application the roles and responsibilities of the entity and the domestic violence shelter and service organization, including with respect to training, cross-trainings for each entity, development of protocols using comprehensive and evidence-based practices and tools, and reporting, and the resources that each partner will be responsible for bringing to the program;

''(v) on award of the grant, and in consultation with the domestic violence shelter and service organization, develops and submits to the Secretary for approval, a written protocol using comprehensive and evidence-based practices and tools which describes—

''(I) how the entity will identify instances or risks of domestic violence among participants in the program and their families;

''(II) the procedures for responding to such instances or risks, including making service referrals, assisting with safety planning, and providing protections and other appropriate assistance for identified individuals and families;

''(III) how confidentiality issues will be addressed; and

''(IV) the training on domestic violence that will be provided to ensure effective and consistent implementation of the protocol;

''(vi) describes the entity's plan to build the capacity of program staff and other partners to address and communicate with parents about domestic violence;

''(vii) provides an assurance that the program staff will include a domestic violence coordinator to serve as the lead staff person on domestic violence for the entity (which may be funded with funds made available under the grant); and

''(viii) in an annual report to the Secretary, includes a description of the domestic violence protocols, and a description of any implementation issues identified with respect to domestic violence and how the issues were addressed.

''(E) DOMESTIC VIOLENCE DEFINED.—In this paragraph, the term 'domestic violence' means violence between intimate partners, which involves any form of physical violence, sexual violence, stalking, or psychological aggression, by a current or former intimate partner.''.

(b) CONFORMING AMENDMENTS.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)), is further amended—

(1) in subparagraph (A)(i)—

(A) by striking ''and (E)'' and inserting ''(D), and (G)''; and

(B) by striking ''(D)'' and inserting ''(F)''; and

(2) in subparagraphs (B)(i) and (C)(i), by striking ''(D)'' each place it appears and inserting ''(F)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2021.

CHAPTER 3—MODERNIZATION OF CHILD SUPPORT ENFORCEMENT

SEC. 3531. PILOT PROGRAM TO STAY AUTOMATIC CHILD SUPPORT ENFORCEMENT AGAINST NON-CUSTODIAL PARENTS PARTICIPATING IN A HEALTHY MARRIAGE OR RESPONSIBLE FATHERHOOD PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to test whether the impact of staying automatic child support enforcement and cost recovery efforts improves family outcomes in cases under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) while a non-custodial parent participates in a healthy marriage or responsible fatherhood program carried out under section 403(a)(2) of the Social Security Act (42 U.S.C. 603(a)(2)), under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i))), or under any other program funded with non-Federal funds. While a child's non-custodial parent is participating in a healthy marriage or responsible fatherhood program that is part of the pilot program established under this section, an eligible entity participating in the pilot program—

(A) shall not apply paragraph (3) of section 408(a) of the Social Security Act (42 U.S.C. 608(a)) to a family of a child receiving assistance under the State program funded under part A of title IV of such Act (42 U.S.C. 601 et seq.);

(B) shall not refer the child's case to the State program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) or apply a penalty against the child's family based on the custodial parent's non-cooperation with child support activities with respect to the child under paragraph (2) of section 408(a) of such Act (42 U.S.C. 608(a)), but shall provide an exception to the custodial parent pursuant to section 454(29)(A) of such Act (42 U.S.C. 654(29)(A));

(C) shall not be subject to penalties under section 409(a)(5) of such Act (42 U.S.C. 609(a)(5));

(D) notwithstanding subparagraph (B), any such individual shall retain the right to apply for child support services under section 454(4)(A)(ii) of the Social Security Act (42 U.S.C. 654(4)(A)(ii)) with respect to a child of the individual;

(E) if the child has an open child support case with the State agency responsible for administering the State plan under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), such State agency, shall suspend any activity to establish or enforce a support order with respect to the child (other than to establish the paternity of the child), and monthly child support obligations shall be suspended and shall not accrue, but only if both parents of the child agree in writing to the suspension; and

(F) if child support activities are suspended in a case by agreement of both parents in accordance with subparagraph (E)), may exclude the case in determining applicable percentages based on State performance levels under section 458 of the Social Security Act (42 U.S.C. 658a), and the Secretary shall disregard the case in determining whether the State data submitted to the Secretary are complete and reliable for purposes of that section and section 452 of such Act (42 U.S.C. 652).

(2) ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means—

(A) a State;

(B) a unit of local government; or

(C) an Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) that receives direct payments from the Secretary under section 455(f) of the Social Security Act (42 U.S.C. 655(f)) or has entered into a cooperative agreement with a State under section 454(33) of such Act (42 U.S.C. 654(33)).

(3) APPLICATION, SELECTION OF ELIGIBLE ENTITIES.—

(A) APPLICATION.—

(i) IN GENERAL.—To participate in the pilot program, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(ii) REQUIRED INFORMATION.—An application to participate in the pilot program shall include—

(I) an outline of the healthy marriage or responsible fatherhood programs that the eligible entity will partner with for the purposes of participating in the pilot program, including a description of each the eligibility and participation criteria for each such program;

(II) the goals, strategies, and desired outcomes of the eligible entity's proposed participation in the pilot program; and

(III) such other information as the Secretary shall require.

(B) SELECTION OF ELIGIBLE ENTITIES.—Not later than September 30, 2021, the Secretary shall select at least 10 eligible entities to participate in the pilot program.

(4) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the 4-year period that begins with fiscal year 2022 and ends with fiscal year 2025.

(5) DATA COLLECTION AND REPORTING.—Throughout the pilot period, an eligible entity participating in the pilot program shall collect and report to the Secretary such data related to the entity's participation in the pilot program as the Secretary shall require.

(b) GAO REPORT.—

(1) STUDY.—The Comptroller General of the United States shall study the implementation and impact of the pilot program established under subsection (a).

(2) REPORT.—Not later than January 1, 2026, the Comptroller General shall submit a report to Congress on the results of the study required under paragraph (1) that includes information on the following:

(A) How State agencies responsible for administering the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the State agency responsible for administering the State plan under part D of title IV of such Act (42 U.S.C. 651 et seq.) designate healthy marriage or responsible fatherhood programs as eligible programs for purposes of the pilot program and what types of organizations have programs so designated, including whether such programs are funded under a grant made under section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)), under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of such Act (42 U.S.C. 609(a)(7)(B)(i))), or under any other program funded with non-Federal funds.

(B) The types of activities and services designated programs provide, including the extent to which any such activities and services are intended for domestic violence victims and survivors.

(C) An assessment of how the designated programs compare to other entities receiving a grant under section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)), under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of such Act (42 U.S.C. 609(a)(7)(B)(i))), or under any other program funded with non-Federal funds, with respect to the information described in subparagraphs (A) and (B).

(D) Recommendations for such administrative or legislative action as the Comptroller General determines appropriate.

SEC. 3532. CLOSURE OF CERTAIN CHILD SUPPORT ENFORCEMENT CASES.

Section 454(4)(A) of the Social Security Act (42 U.S.C. 654(4)(A)) is amended—

(1) by striking clause (i) and inserting the following:

''(i) a child living apart from 1 or both parents for whom (I) assistance is provided under the State program funded under part A of this title, (II) benefits or services for foster care maintenance are provided under the State program funded under part E of this title, (III) medical assistance is provided under the State plan approved under title XIX, or (IV) cooperation is required pursuant to section 6(l)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(l)(1)) unless, in accordance with paragraph (29), good cause or other exceptions exist, or in the event that the State agency becomes aware after opening a child support case upon referral from another program that both parents of the child comprise an intact 2-parent household (even if a parent is temporarily living elsewhere), and neither parent has applied for child support services under clause (ii), in which case the State agency shall notify the referring program and each parent that the case will be closed within 60 days of the date of such notice unless either parent contacts the State agency and requests that the case remain open; and''; and

(2) in clause (ii), by inserting ''living apart from 1 or both parents'' after ''any other child''.

CHAPTER 4—PARENTING TIME SERVICES PILOT PROGRAM

SEC. 3541. PARENTING TIME SERVICES PILOT PROGRAM.

Part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) is amended by adding at the end the following:

''SEC. 469C. PARENTING TIME SERVICES PILOT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than June 30, 2021, the Secretary shall establish a pilot program (referred to in this section as the 'pilot program') to provide payments to State, local, and tribal agencies responsible for administering the program under this part (referred to in this section as 'eligible entities') for carrying out the activities described in subsection (d) for the purpose of promoting the inclusion of uncontested parenting time agreements in child support orders. Expenditures for activities carried out by a State, local, or tribal agency participating in the pilot program shall be treated as expenditures authorized under the State or tribal plan approved under this part, without regard to whether such expenditures would otherwise be a permissible use of funds under such plan.

''(2) NO BUDGET NEUTRALITY REQUIRED.—No budget neutrality requirement shall apply to the pilot program.

''(b) APPLICATION, SELECTION OF ELIGIBLE ENTITIES, AND DURATION.—

''(1) APPLICATION.—

''(A) IN GENERAL.—To participate in the pilot program, an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(B) REQUIRED INFORMATION.—An application to participate in the pilot program shall include the following:

''(i) The identity of the courts or judicial or administrative agencies with which the eligible entity will coordinate activities carried out under the pilot program.

''(ii) The identity of the local, State, or national level domestic violence shelter and service organization with which the eligible entity will partner with to develop and implement the procedures to address domestic violence required under subsection (d).

''(iii) A description of the role and responsibilities of each of such partner with respect to developing and implementing the procedures required under subsection (d), and of the resources that each partner will contribute to developing and implementing such procedures.

''(iv) Such other information as the Secretary shall require.

''(2) SELECTION OF ELIGIBLE ENTITIES.—Not later than September 30, 2021, the Secretary shall select at least 12 eligible entities to participate in the pilot program, at least 2 of which shall be tribal agencies described in subsection (b).

''(3) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the 5-year period that begins with fiscal year 2022 and ends with fiscal year 2026.

''(c) AUTHORIZED ACTIVITIES.—An eligible entity participating in the pilot program shall carry out the following activities:

''(1) Establishing parent time plans in conjunction with the establishment of a child support order.

''(2) Coordinating with the custodial and non-custodial parent when establishing a parent time plan.

''(3) Supervising and facilitating parents' visitation and access to their children, including virtual visitation in situations where in-person visitation is not practicable.

''(4) Providing parents with legal information and referrals related to parenting time.

''(5) Coordinating with domestic violence shelter and service organizations.

''(6) Employing a staff member to serve as a domestic violence coordinator.

''(7) Such other activities related to promoting the inclusion of uncontested parenting time agreements in child support orders as the Secretary may approve.

''(d) PROGRAM REQUIREMENTS.—As a condition of receiving payments under the pilot program, an eligible entity shall meet the following requirements:

''(1) PROCEDURES TO ADDRESS DOMESTIC VIOLENCE.—Not later than 3 months after the eligible entity is selected to participate in the pilot program, the eligible entity, in consultation with the State domestic violence coalition (as defined in section 302(11) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(11)) and the domestic violence shelter and service organization with which the entity is partnering, shall do the following:

''(A) Develop, and submit to the Secretary for approval, written protocols for use by the eligible entity in carrying out activities under the pilot program that are based on comprehensive and evidence-based practices and tools for—

''(i) identifying instances of domestic violence and situations where there is a risk of domestic violence;

''(ii) responding to any instances of domestic violence and situations where there is a risk of domestic violence that are so identified, including by making referrals to domestic violence intervention and prevention services, assisting with safety planning, and providing protections and other appropriate assistance to individuals and families who are victims or potential victims of domestic violence;

''(iii) addressing confidentiality issues related to identifying and responding to instances of domestic violence and situations where there is a risk of domestic violence; and

''(iv) providing domestic violence awareness and intervention and prevention training to ensure the effective and consistent implementation of the protocols developed under this subparagraph.

''(B) Build the capacity of the staff of the eligible entity and the domestic violence shelter and service organization partner of the entity to communicate with parents about domestic violence.

''(C) Appoint a staff member of the eligible entity or the domestic violence shelter and service organizations to serve as the domestic violence coordinator for purposes of the activities carried out under the pilot program.

''(D) Submit a final report to the Secretary describing—

''(i) the protocols established by the eligible entity to address domestic violence; and

''(ii) any issues that the eligible entity encountered in implementing such protocols and if so, how the eligible entity addressed such issues.

''(2) DATA COLLECTION AND REPORTING.—Throughout the pilot period, an eligible entity participating in the pilot program shall collect and report to the Secretary such data related to the entity's participation in the pilot program as the Secretary shall require.

''(e) PAYMENTS TO ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—For each quarter during the pilot period described in subsection (b)(3), the Secretary shall pay to each eligible entity participating in the pilot program an amount equal to the applicable percentage specified in paragraph (2) of the amounts expended by the entity during the quarter to carry out the pilot program. Such payments shall be made in addition to, and as part of, the quarterly payment made to the eligible entity under section 455(a)(1). Amounts expended by an eligible entity participating in the pilot program shall be treated as amounts expended for a purpose for which a quarterly payment is available under section 455(a)(1)(A), without regard to whether payment would otherwise be available under such section in the absence of the pilot program (and subject to the application of the applicable percentage for such quarter under paragraph (2) in lieu of the percentage that would otherwise apply under such section (if any)).

''(2) APPLICABLE PERCENTAGE.—The applicable percentage specified in this paragraph is—

''(A) in the case of payments made for the first 8 quarters of the pilot period, 100 percent; and

''(B) in the case of payments made for each subsequent quarter of the pilot period, 66 percent (80 percent in the case of an eligible entity that is a tribal agency).

''(3) SUNSET FOR PAYMENTS.—In no case may payments be provided by the Secretary for amounts expended by an eligible entity to carry out the pilot program for any quarter of a fiscal year after fiscal year 2026.

''(f) EVALUATION OF PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall conduct (directly or by grant, contract, or interagency agreement) a comprehensive evaluation of the pilot program that satisfies the requirements of this subsection.

''(2) DEADLINE.—Not later than 1 year after the pilot program ends, the Secretary shall submit to Congress a report containing the results of such comprehensive evaluation.

''(3) EVALUATION REQUIREMENTS.—

''(A) IN GENERAL.—A comprehensive evaluation satisfies the requirements of this subsection if—

''(i) the evaluation is designed to identify successful activities for creating opportunities for developing and sustaining parenting time to—

''(I) build evidence of the effectiveness of such activities;

''(II) determine the lessons learned (including barriers to success) from such activities; and

''(III) to the extent practicable, help build local evaluation capacity, including the capacity to use evaluation data to inform continuous program improvement; and

''(ii) the evaluation includes research designs that encourage innovation and reflect the nature of the activities undertaken, successful implementation efforts, and the needs of the communities, without prioritizing efficacy research over effectiveness research.

''(B) RANDOMIZED CONTROLLED TRIALS.—A comprehensive evaluation conducted in accordance with this subsection may, but shall not be required to, include a randomized controlled trial.

''(4) REPORT REQUIREMENTS.—The report on the comprehensive evaluation conducted in accordance with this subsection shall include the following:

''(A) An assessment of the process used to assist parents in developing and establishing parenting time agreements and the number of parenting time agreements established during the pilot program.

''(B) An assessment of the impact of the pilot program on child support payment outcomes, including payment behaviors such as the amount of monthly payments, the frequency of monthly payments, and the frequency and type of non-financial assistance.

''(C) An assessment of the access barriers to establishing and complying with parenting time agreements, and the effectiveness of methods used by the pilot projects to address barriers.

''(D) An assessment of the impact of the pilot program on co-parenting quality.

''(E) An assessment of the impact of the pilot program on relationships between custodial and non-custodial parents.

''(F) An assessment of the impact of the pilot program on relationships between non-custodial parents and their children.

''(G) Data on the incidence and prevalence of domestic violence between custodial and non-custodial parents during the course of the pilot program.

''(H) A detailed description of the procedures used to address incidents of domestic violence between custodial and non-custodial parents during the course of the pilot program.

''(I) An assessment of the impact of the pilot program on increasing custodial and non-custodial parents' knowledge about domestic violence.

''(5) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

''(g) DOMESTIC VIOLENCE DEFINED.—In this section, the term 'domestic violence' means violence between intimate partners, which involves any form of physical violence, sexual violence, stalking, or psychological aggression, by a current or former intimate partner.''.

CHAPTER 5—IMPROVEMENTS TO THE CHILD SUPPORT PASS-THROUGH REQUIREMENTS

SEC. 3551. CHILD SUPPORT PASS-THROUGH PROGRAM IMPROVEMENTS.

(a) PASS-THROUGH OF ALL CURRENT SUPPORT AMOUNTS AND ARREARAGES COLLECTED FOR CURRENT AND FORMER TANF FAMILIES.—Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''and (e)'' and inserting '', (e), (f), and (g)''; and

(2) by adding at the end the following:

''(f) DISTRIBUTION OF CURRENT SUPPORT AMOUNT AND ARREARAGES COLLECTED FOR TANF FAMILIES.—

''(1) TANF FAMILIES.—Subject to subsections (d), (e), and (g), beginning October 1, 2023—

''(A) paragraph (1) of subsection (a) shall no longer apply to the distribution of amounts collected on behalf of a TANF family as support by a State pursuant to a plan approved under this part;

''(B) the State shall pay to a TANF family all of the current support amount collected by the State on behalf of the family and all of any excess amount collected on behalf of the family to the extent necessary to satisfy support arrearages; and

''(C) for purposes of determining eligibility for, and the amount and type of, assistance from the State under the State program funded under part A, the State shall disregard the current support amount paid to a TANF family and shall disregard the current support amount paid to any family that is an applicant for assistance under the State program funded under part A.

''(2) FORMER TANF FAMILIES.—

''(A) IN GENERAL.—Subject to subsections (e) and (g), beginning October 1, 2025—

''(i) subsection (a)(2) shall no longer apply to the distribution of amounts collected on behalf of a former TANF family as support by a State pursuant to a plan approved under this part or to support obligations assigned by the family; and

''(ii) the State shall pay to a former TANF family all of the current support amount collected by the State on behalf of the family and all of any excess amount collected on behalf of the family to the extent necessary to satisfy support arrearages (and the State shall treat amounts collected pursuant to an assignment by the family as if the amounts had never been assigned and shall distribute the amounts to the family in accordance with subsection (a)(4)).

''(B) STATE OPTION FOR EARLIER IMPLEMENTATION.—A State may elect to apply subparagraph (A) to the distribution of amounts collected on behalf of a former TANF family as support by a State pursuant to a plan approved under this part beginning on the first day of any quarter of fiscal year 2024 or 2025.

''(3) DEFINITIONS.—In this subsection:

''(A) TANF FAMILY.—The term 'TANF family' means a family receiving assistance from the State under the State program funded under part A.

''(B) FORMER TANF FAMILY.—The term 'former TANF family' means a family that formerly received assistance from the State under the State program funded under part A.

''(C) EXCESS AMOUNT.—The term 'excess amount' means, with respect to amounts collected by a State as support on behalf of a family, the amount by which such amount collected exceeds the current support amount.''.

(b) TEMPORARY INCREASE IN MATCHING RATE.—Section 455(a)(3) of such Act (42

U.S.C. 655(a)(3)) is amended to read as follows:

''(3)(A) The Secretary shall pay to each State, for each quarter of fiscal years 2022 and 2023, 90 percent of so much of the State expenditures described in paragraph (1)(B) for the quarter as the Secretary finds are for a system meeting the requirements specified in sections 454(16) and 454A.

''(B) In the case of a State which elects the option under subparagraph (B) of section 457(f)(2) to apply subparagraph (A) of that section to the distribution of amounts collected on behalf of a former TANF family (as defined in subparagraph (B) of section 457(f)(3)) as support by a State pursuant to a plan approved under this part beginning on the first day of any quarter of fiscal year 2024 or 2025, the Secretary shall pay to the State for each quarter of fiscal year 2024 and 2025 for which such an election has been made, 90 percent of so much of the State expenditures described in paragraph (1)(B) for the quarter as the Secretary finds are for a system meeting the requirements specified in sections 454(16) and 454A.

''(C) This paragraph shall not apply to State expenditures described in paragraph (1)(B) for any quarter beginning on or after September 30, 2024 (September 30, 2023, in the case of a State that does not elect the option described in subparagraph (B)).''.

(c) TRANSITION TO ELIMINATION OF EXCEPTED PORTION FOR PASS-THROUGH DISREGARD OPTION.—

(1) IN GENERAL.—Subparagraph (B) of section 457(a)(6) of such Act (42 U.S.C. 657(a)(6)) is amended to read as follows:

''(B) FAMILIES THAT CURRENTLY RECEIVE ASSISTANCE UNDER PART A.—During each of fiscal years 2021, 2022, and 2023, in the case of a family that receives assistance from the State under the State program funded under part A, a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family receiving assistance from the State under the State program funded under part A to the extent that the State—

''(i) pays the amount to the family; and

''(ii) disregards all of the amount collected that does not exceed the current support amount for purposes of determining the family's eligibility for, and the amount and type of, assistance from the State under the State program funded under part A.''.

(2) CONFORMING AMENDMENT.—Section 457(a)(6) of such Act (42 U.S.C. 657(a)(6)) is amended in the heading, by inserting ''; TRANSITION TO ELIMINATION OF EXCEPTED PORTION'' after ''PARTICIPATION''.

(d) AMOUNTS COLLECTED ON BEHALF OF FAMILIES RECEIVING FOSTER CARE MAINTENANCE PAYMENTS.—

(1) IN GENERAL.—Section 457 of such Act (42 U.S.C. 657) as amended by subsection (a), is further amended by adding at the end the following:

''(g) DISTRIBUTION OF AMOUNTS COLLECTED ON BEHALF OF A CHILD FOR WHOM FOSTER CARE MAINTENANCE PAYMENTS ARE BEING MADE.—

''(1) IN GENERAL.—Beginning October 1, 2023—

''(A) subsection (e) shall no longer apply to the distribution of amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E;

''(B) with respect to the current support amount collected by the State on behalf of the child, the State shall elect to—

''(i) pay such amount to a foster parent of the child or a kinship caregiver for the child whenever practicable, or to the person responsible for meeting the child's day-to-day needs; or

''(ii) deposit such amount in a savings account to be used for the child's future needs in the event of the child's reunification with family from which the child was removed (including for reunification services for the child and family);

''(C) to the extent any amount collected exceeds the current support amount and, after the beginning of the period in which a public agency began making foster care maintenance payments under part E on behalf of the child, support arrearages have accrued with respect to the child, the State shall deposit such excess amount into a savings account to be used for the child's future needs; and

''(D) when the child is returned to the family from which the child was removed, or placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for a child, in some other planned, permanent living arrangement, any amount in such savings account shall—

''(i) if the child has attained age 18, be transferred to the child; or

''(ii) if the child has not attained age 18, be maintained in such account until the child attains such age, and shall be transferred to the child when the child attains such age.

''(2) ADMINISTRATION.—The State agency responsible for administering the program under this part shall be responsible for the distribution under this subsection of amounts collected on behalf of a child for whom a public agency is making foster care maintenance payments under part E.''.

(2) GAO REPORT.—

(A) STUDY.—The Comptroller General of the United States shall study the implementation and impact of the requirements for distribution of amounts collected on behalf of a child for whom foster care maintenance payments are being made under subsection (g) of section 457 of the Social Security Act (42 U.S.C. 657) as added by paragraph (1).

(B) REPORT.—Not later than January 1, 2027, the Comptroller General shall submit a report to Congress on the results of the study required under paragraph (1) that includes information on the following:

(i) A description of how States have elected to implement the distribution requirements of such subsection, including with respect to the choices States make regarding how much of current support amounts are paid to foster families, saved in the event of a child's reunification with the family from which the child was removed, or saved for the child's future needs.

(ii) A description of how States distribute or use amounts saved in the event of a child's reunification with the family from which the child was removed, including the extent to which such amounts are used to provide reunification services for the child and family or distributed in full to the family.

(iii) Recommendations regarding best practices regarding distributions made under such subsection, along with recommendations for such administrative or legislative action as the Comptroller General determines appropriate.

(e) DISCONTINUATION OF SUPPORT ASSIGNMENTS.—

(1) TERMINATION OF TANF REQUIREMENT TO ASSIGN SUPPORT RIGHTS TO THE STATE.—Paragraph (3) of section 408(a) of such Act (42 U.S.C. 608(a)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—

''(A) IN GENERAL.—With respect to each of fiscal years 2021, 2022, and 2023, subject to section 457(b)(3), a State to which a grant is made under section 403 shall require, as a condition of paying assistance to a family under the State program funded under this part, that a member of the family assign to the State any right the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance so paid to the family, which accrues during the period that the family receives assistance under the program.

''(B) SUNSET.—Subparagraph (A) shall not apply to any State or family after September 30, 2023.''.

(2) STATE OPTION TO DISCONTINUE SUPPORT ASSIGNMENTS UNDER TANF BEFORE FISCAL YEAR 2023.—Section 457(b) of such Act (42 U.S.C. 657(b)) is amended by adding at the end the following:

''(3) STATE OPTION TO DISCONTINUE SUPPORT ASSIGNMENTS UNDER PART A BEFORE TERMINATION OF REQUIREMENT.—A State may elect for any or all of fiscal years 2021 through 2023, to—

''(A) not require the assignment of support obligations under section 408(a)(3)(A) as a condition of paying assistance to a family under the State program funded under part A; and

''(B) discontinue the assignment of a support obligation described in such section, and treat amounts collected pursuant to the assignment as if the amounts had never been assigned and distribute the amounts to the family.''.

(f) ELIMINATION OF OPTION TO APPLY FORMER DISTRIBUTION RULES FOR FAMILIES FORMERLY RECEIVING ASSISTANCE.—

(1) IN GENERAL.—Section 454 of such Act (42 U.S.C. 654) is amended—

(A) in paragraph (32)(C), by adding ''and'' after the semicolon;

(B) in paragraph (33), by striking ''; and'' and inserting a period; and

(C) by striking paragraph (34).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2023.

(g) CONFORMING AMENDMENTS.—

(1) Section 454B(c)(1) of such Act (42 U.S.C. 654b(c)(1)) is amended by striking ''457(a)'' and inserting ''457''.

(2) Section 457 of such Act (42 U.S.C. 657), as amended by subsections (a) and (d), is further amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsections (a), (f), and (g)''; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking ''Notwithstanding the preceding provisions of this section, amounts'' and inserting ''Subject to subsection (g), amounts''.

SEC. 3552. BAN ON RECOVERY OF MEDICAID COSTS FOR BIRTHS.

(a) IN GENERAL.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by inserting after paragraph (34) the following:

''(35) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 1912.''.

(b) CLARIFICATION THAT BAN ON RECOVERY DOES NOT APPLY WITH RESPECT TO INSURANCE OF A PARENT WITH AN OBLIGATION TO PAY CHILD SUPPORT.—Section 1902(a)(25)(F) of the Social Security Act (42 U.S.C. 1396a(a)(25)(F)) is amended—

(1) in clause (i), by striking ''care.;'' and inserting ''care; and''; and

(2) in clause (ii), by inserting ''only if such third-party liability is derived through insurance,'' before ''seek''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2025.

(2) STATE OPTION FOR EARLIER APPLICATION.—A State may elect for the amendments made by this section to take effect with respect to the State plans under part D of title IV and title XIX of the Social Security Act (42 U.S.C. 671 et seq.; 1396 et seq.) on the first day of any quarter of fiscal years 2021 through 2025.

SEC. 3553. IMPROVING STATE DOCUMENTATION AND REPORTING OF CHILD SUPPORT COLLECTION DATA.

(a) STATE PLAN REQUIREMENT.—Paragraph (10) of section 454(10) of the Social Security Act (42 U.S.C. 654(10)) is amended to read as follows:

''(10) provide that the State will—

''(A) maintain a full record of collections and disbursements made under the plan and have an adequate reporting system; and

''(B) document outcomes with respect to each child support obligation that is enforced by the State, including monthly support payment amounts (distinguishing between full monthly payments and partial monthly payments) and the frequency of monthly support payments for each such case and include information on such outcomes in the annual report required under paragraph (15);''.

(b) INCLUSION IN ANNUAL REPORT BY THE SECRETARY.—Section 452(a)(10)(A) of such Act (42 U.S.C. 652(a)(10)(A)) is amended—

(1) in clause (ii), by striking ''and'' after the semicolon;

(2) in clause (iii)(II), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(iv) information on the documented outcomes with respect to each child support obligation that was enforced under a State plan approved under this part during the fiscal year, as required under paragraph (10) of section 454 and included in the annual report required under paragraph (15) of that section;''.

CHAPTER 6—PROGRAM FLEXIBILITY DURING THE COVID–19 PANDEMIC

SEC. 3561. EMERGENCY TANF FLEXIBILITY.

(a) IN GENERAL.—With respect to the period that begins on March 1, 2020, and ends September 30, 2021:

(1) Sections 408(a)(2), 409(a)(5), and 409(a)(8) of the Social Security Act shall have no force or effect.

(2) Notwithstanding section 466(d) of such Act, the Secretary may exempt a State from any requirement of section 466 of such Act to respond to the COVID–19 pandemic, except that the Secretary may not exempt a State from any requirement to—

(A) provide a parent with notice of a right to request a review and, if appropriate, adjustment of a support order; or

(B) afford a parent the opportunity to make such a request.

(3) The Secretary may not impose a penalty or take any other adverse action against a State pursuant to section 452(g)(1) of such Act for failure to achieve a paternity establishment percentage of less than 90 percent.

(4) The Secretary may not find that the paternity establishment percentage for a State is not based on reliable data for purposes of section 452(g)(1) of such Act, and the Secretary may not determine that the data which a State submitted pursuant to section 452(a)(4)(C)(i) of such Act and which is used in determining a performance level is not complete or reliable for purposes of section 458(b)(5)(B) of such Act, on the basis of the failure of the State to submit OCSE Form 396 or 34 in a timely manner.

(5) The Secretary may not impose a penalty or take any other adverse action against a State for failure to comply with section 454B(c)(1) or 454A(g)(1)(A)(i) of such Act.

(6) The Secretary may not disapprove a State plan submitted pursuant to part D of title IV of such Act for failure of the plan to meet the requirement of section 454(1) of such Act, and may not impose a penalty or take any other adverse action against a State with such a plan that meets that requirement for failure to comply with that requirement.

(7) To the extent that a preceding provision of this section applies with respect to a provision of law applicable to a program operated by an Indian tribe or tribal organization (as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that preceding provision shall apply with respect to the Indian tribe or tribal organization.

(8) Any increase in the Federal medical assistance percentage for a State resulting from the application of this subsection shall not be taken into account for purposes of calculating the Federal share of assigned collections paid by the State to the Federal Government under section 457 of the Social Security Act (42 U.S.C. 657).

(b) STATE DEFINED.—In subsection (a), the term ''State'' has the meaning given the term in section 1101(a) of the Social Security Act for purposes of title IV of such Act.

(c) TECHNICAL CORRECTION.—Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended by adding at the end the following:

''(e) SCOPE OF APPLICATION.—An increase in the Federal medical assistance percentage for a State under this section shall not be taken into account for purposes of calculating the Federal share of assigned collections paid by the State to the Federal Government under section 457 of the Social Security Act (42 U.S.C. 657).''.

(d) STATE PERFORMANCE YEAR FOR INCENTIVE PAYMENTS.—Notwithstanding section 458 of the Social Security Act (42 U.S.C. 658a), the data which a State submitted pursuant to section 454(15)(B) of such Act (42 U.S.C. 654(15)(B)) for fiscal year 2019 and which the Secretary has determined is complete and reliable shall be used to determine the performance level for each measure of State performance specified in section 458(b)(4) of such Act for each of fiscal years 2020 and 2021.

SEC. 3562. 2020 RECOVERY REBATES NOT SUBJECT TO REDUCTION OR OFFSET WITH RESPECT TO PAST-DUE SUPPORT.

(a) IN GENERAL.—Section 2201(d)(2) of the CARES Act is amended by inserting ''(c),'' before ''(d)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits and refunds allowed or made after the date of the enactment of this Act.

SEC. 3563. PROTECTION OF 2020 RECOVERY REBATES.

(a) IN GENERAL.—Subsection (d) of section 2201 of the CARES Act (Public Law 116–136), as amended by section 3562, is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and by moving such subparagraphs 2 ems to the right,

(2) by striking ''REDUCTION OR OFFSET.—Any credit'' and inserting ''REDUCTION, OFFSET, GARNISHMENT, ETC.—

''(1) IN GENERAL.—Any credit'', and

(3) by adding at the end the following new paragraphs:

''(2) ASSIGNMENT OF BENEFITS.—

''(A) IN GENERAL.—The right of any person to any applicable payment shall not be transferable or assignable, at law or in equity, and no applicable payment shall be subject to, execution, levy, attachment, garnishment, or other legal process, or the operation of any bankruptcy or insolvency law.

''(B) ENCODING OF PAYMENTS.—As soon as practicable, but not earlier than 10 days after the date of the enactment of this paragraph, in the case of an applicable payment that is paid electronically by direct deposit through the Automated Clearing House (ACH) network, the Secretary of the Treasury (or the Secretary's delegate) shall—

''(i) issue the payment using a unique identifier that is reasonably sufficient to allow a financial institution to identify the payment as an applicable payment, and

''(ii) further encode the payment pursuant to the same specifications as required for a benefit payment defined in section 212.3 of title 31, Code of Federal Regulations.

''(C) GARNISHMENT.—

''(i) ENCODED PAYMENTS.—In the case of a garnishment order received after the date that is 10 days after the date of the enactment of this paragraph and that applies to an account that has received an applicable payment that is encoded as provided in subparagraph (B), a financial institution shall follow the requirements and procedures set forth in part 212 of title 31, Code of Federal Regulations, except a financial institution shall not, with regard to any applicable payment, be required to provide the notice referenced in sections 212.6 and 212.7 of title 31, Code of Federal Regulations. This paragraph shall not alter the status of applicable payments as tax refunds or other nonbenefit payments for purpose of any reclamation rights of the Department of Treasury or the Internal Revenue Service as per part 210 of title 31 of the Code of Federal Regulations.

''(ii) OTHER PAYMENTS.—If a financial institution receives a garnishment order, other than an order that has been served by the United States or an order that has been served by a Federal, State, or local child support enforcement agency, that has been received by a financial institution after the date that is 10 days after the date of the enactment of this paragraph and that applies to an account into which an applicable payment that has not been encoded as provided in subparagraph (B) has been deposited electronically or by an applicable payment that has been deposited by check on any date in the lookback period, the financial institution, upon the request of the account holder, shall treat the amount of the funds in the account at the time of the request, up to the amount of the applicable payment (in addition to any amounts otherwise protected under part 212 of title 31, Code of Federal Regulations), as exempt from a garnishment order without requiring the consent of the party serving the garnishment order or the judgment creditor.

''(iii) LIABILITY.—A financial institution that acts in good faith in reliance on clauses (i) or (ii) shall not be subject to liability or regulatory action under any Federal or State law, regulation, court or other order, or regulatory interpretation for actions concerning any applicable payments.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) ACCOUNT HOLDER.—The term 'account holder' means a natural person whose name appears in a financial institution's records as the direct or beneficial owner of an account.

''(ii) ACCOUNT REVIEW.—The term 'account review' means the process of examining deposits in an account to determine if an applicable payment has been deposited into the account during the lookback period. The financial institution shall perform the account review following the procedures outlined in section 212.5 of title 31, Code of Federal Regulations and in accordance with the requirements of section 212.6 of title 31, Code of Federal Regulations.

''(iii) APPLICABLE PAYMENT.—The term 'applicable payment' means any payment of credit or refund by reason of section 6428 of the Internal Revenue Code of 1986 (as so added) or by reason of subsection (c) of this section.

''(iv) GARNISHMENT.—The term 'garnishment' means execution, levy, attachment, garnishment, or other legal process.

''(v) GARNISHMENT ORDER.—The term 'garnishment order' means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a State or State agency, a municipality or municipal corporation, or a State child support enforcement agency, including a lien arising by operation of law for overdue child support or an order to freeze the assets in an account, to effect a garnishment against a debtor.

''(vi) LOOKBACK PERIOD.—The term 'lookback period' means the two month period that begins on the date preceding the date of account review and ends on the corresponding date of the month two months earlier, or on the last date of the month two months earlier if the corresponding date does not exist.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

CHAPTER 7—EFFECTIVE DATE

SEC. 3571. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, the amendments made by this subtitle shall take effect on the date of enactment of this Act and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, and without regard to whether regulations to implement the amendments (in the case of State programs operated under such part D) are promulgated by such date.

(b) EXCEPTION FOR STATE PLANS REQUIRING STATE LAW AMENDMENTS.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

TITLE IV—CAPITAL AND SUPPORT FOR SMALL BUSINESSES

Subtitle A—More Lending to Small Businesses in Communities of Color

SEC. 4101. COMMUNITY ADVANTAGE LOAN PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) COMMUNITY ADVANTAGE LOAN PROGRAM.—

''(A) PURPOSES.—The purposes of the Community Advantage Loan Program are—

''(i) to create a mission-oriented loan guarantee program that builds on the demonstrated success of the Community Advantage Pilot Program of the Administration, as established in 2011, to reach more underserved small business concerns;

''(ii) to increase lending to small business concerns in underserved and rural markets, including veterans and members of the military community, and small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C)), women, and startups;

''(iii) to ensure that the program under this subsection (in this paragraph referred to as the '7(a) loan program') is more inclusive and more broadly meets congressional intent to reach borrowers who are unable to get credit elsewhere on reasonable terms and conditions;

''(iv) to help underserved small business concerns become bankable by utilizing the small-dollar financing and business support experience of mission-oriented lenders;

''(v) to allow certain mission-oriented lenders, primarily nonprofit financial intermediaries focused on economic development in underserved markets, access to guarantees for loans under this subsection (in this paragraph referred to as '7(a) loans') of not more than $350,000 and provide management and technical assistance to small business concerns as needed;

''(vi) to provide certainty for the lending partners that make loans under this subsection and to attract new lenders; and

''(vii) to encourage collaboration between mission-oriented and conventional lenders under this subsection in order to support underserved small business concerns.

''(B) DEFINITIONS.—In this paragraph—

''(i) the term 'covered institution' means—

''(I) a development company, as defined in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), participating in the 504 Loan Guaranty program established under title V of that Act (15 U.S.C. 695 et seq.);

''(II) a nonprofit intermediary, as defined in subsection (m)(11), participating in the microloan program under subsection (m);

''(III) a non-Federally regulated entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)); and

''(IV) an eligible intermediary, as defined in subsection (l)(1), participating in the Intermediary Lending Program established under subsection (l)(2);

''(ii) the term 'new business' means a small business concern that has been existence for not more than 2 years;

''(iii) the term 'program' means the Community Advantage Loan Program established under subparagraph (C);

''(iv) the term 'Reservist' means a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code;

''(v) the term 'rural area' has the meaning given the term in subsection (m)(11);

''(vi) the term 'service-connected' has the meaning given the term in section 101 of title 38, United States Code;

''(vii) the term 'small business concern in an underserved market' means a small business concern—

''(I) that is located in—

''(aa) a low-income or moderate-income community;

''(bb) a HUBZone, as defined in section 31(b);

''(cc) a community that has been designated as an empowerment zone or an enterprise community under section 1391 of the Internal Revenue Code of 1986;

''(dd) a community that has been designated as a promise zone by the Secretary of Housing and Urban Development;

''(ee) a community that has been designated as a qualified opportunity zone under section 1400Z–1 of the Internal Revenue Code of 1986; or

''(ff) a rural area;

''(II) for which more than 50 percent of employees reside in a low- or moderate-income community;

''(III) that is—

''(aa) a business that has not yet opened or a new business; or

''(bb) growing, newly established, or a startup, as those terms are used in subsection (m);

''(IV) owned and controlled by socially and economically disadvantaged individuals, including Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities;

''(V) owned and controlled by women;

''(VI) owned and controlled by veterans;

''(VII) owned and controlled by service-disabled veterans;

''(VIII) not less than 51 percent of which is owned and controlled by 1 or more—

''(aa) members of the Armed Forces participating in the Transition Assistance Program of the Department of Defense;

''(bb) Reservists;

''(cc) spouses of veterans, members of the Armed Forces, or Reservists; or

''(dd) surviving spouses of veterans who died on active duty or as a result of a service-connected disability;

''(IX) that is eligible to receive a veterans advantage loan; or

''(X) owned and controlled by an individual who has completed a term of imprisonment in a Federal, State, or local jail or prison; and

''(viii) the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C).

''(C) ESTABLISHMENT.—There is established a Community Advantage Loan Program under which the Administration may guarantee loans made by covered institutions under this subsection, including loans made to small business concerns in an underserved market.

''(D) PROGRAM LEVELS.—In each of fiscal years 2021, 2022, 2023, 2024, and 2025, not more than 10 percent of the number of loans guaranteed under this subsection may be guaranteed under the program.

''(E) NEW LENDERS.—

''(i) FISCAL YEARS 2021 AND 2022.—In each of fiscal years 2021 and 2022—

''(I) not more than 150 covered institutions shall participate in the program; and

''(II) the Administrator shall allow for new applicants and give priority to applications submitted by any covered institution that is located in an area with insufficient or no lending under the program.

''(ii) FISCAL YEARS 2023, 2024, AND 2025.—

''(I) IN GENERAL.—In each of fiscal years 2023, 2024, and 2025—

''(aa) except as provided in subclause (II), not more than 175 covered institutions shall participate in the program; and

''(bb) the Administrator shall allow for new applicants and give priority to applications submitted by any covered institution that is located in an area with insufficient or no lending under the program.

''(II) EXCEPTION FOR FISCAL YEAR 2025.—In fiscal year 2025, not more than 200 covered institutions may participate in the program if—

''(aa) after reviewing the report under subparagraph (M), the Administrator determines that not more than 200 covered institutions may participate in the program;

''(bb) the Administrator notifies Congress in writing of the determination of the Administrator under item (aa); and

''(cc) not later than July 30, 2024, the Administrator notifies the public of the determination of the Administrator under item (aa).

''(F) GRANDFATHERING OF EXISTING LENDERS.—Any covered institution that participated in the Community Advantage Pilot Program of the Administration and is in good standing on the day before the date of enactment of this paragraph—

''(i) shall retain designation in the program; and

''(ii) shall not be required to submit an application to participate in the program.

''(G) REQUIREMENT TO MAKE LOANS TO UNDERSERVED MARKETS.—Not less than 75 percent of loans made by a covered institution under the program shall consist of loans made to small business concerns in an underserved market.

''(H) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as provided in clause (ii), the maximum loan amount for a loan guaranteed under the program is $250,000.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—The Administration may, in the discretion of the Administration, approve a guarantee of a loan under the program that is more than $250,000 and not more than $350,000.

''(II) NOTIFICATION.—Not later than 2 days after receiving a request for an exception to the maximum loan amount established under clause (i), the Administration shall—

''(aa) review the request; and

''(bb) provide a decision regarding the request to the covered institution making the loan.

''(I) TRAINING AND TECHNICAL ASSISTANCE.—The Administration—

''(i) shall, in person and online, provide upfront and ongoing training and technical assistance for covered institutions making loans under the program in order to support prudent lending standards and improve the interface between the covered institutions and the Administration, which shall include—

''(I) guidance for following the regulations of the Administration, including best practices for maintaining healthy portfolios of loans; and

''(II) directions for covered institutions to do what is in the best interest of the borrowers, including by ensuring to the maximum extent possible that those borrowers are informed about loans with the most favorable terms for those borrowers;

''(ii) shall ensure that the training and technical assistance described in clause (i) is provided for free or at a low-cost;

''(iii) may enter into a contract to provide the training or technical assistance described in clause (i) with an organization with expertise in lending under this subsection, mission-oriented lending, and lending to underserved markets; and

''(iv) shall ensure that covered institutions adequately report the extent to which the covered institutions take the actions required under clause (i)(II).

''(J) DELEGATED AUTHORITY.—A covered institution is not eligible to receive delegated authority from the Administration under the program until the covered institution makes not less than 10 loans under the program, unless the Administration determines otherwise after an opportunity for public comment for a period of not less than 30 days before implementing such a change.

''(K) REGULATIONS.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph and in accordance with the notice and comment procedures under section 553 of title 5, United States Code, the Administrator shall promulgate regulations to carry out the program, which shall be substantially similar to the Community Advantage Pilot Program of the Administration, as in effect on September 1, 2018, and shall—

''(I) outline the requirements for participation by covered institutions in the program;

''(II) define performance metrics for covered institutions participating in the program for the first time, which are required to be met in order to continue participating in the program;

''(III) establish an acceptable range of program costs and level of risk that shall be based on other loan products—

''(aa) of similar size;

''(bb) that use similar lenders; and

''(cc) that are intended to reach similar borrowers;

''(IV) determine the credit score of a small business concern under which the Administration is required to underwrite a loan provided to the small business concern under the program and the loan may not be made using the delegated authority of a covered institution;

''(V) require each covered institution that sells loans made under the program on the secondary market to establish a loan loss reserve fund, which—

''(aa) with respect to covered institutions in good standing, including the covered institutions described in subparagraph (F), shall be maintained at a level equal to 3 percent of the outstanding guaranteed portion of the loans; and

''(bb) with respect to any other covered institution, shall be maintained at a level equal to 5 percent of the outstanding guaranteed portion of the loans; and

''(VI) allow the Administrator to require additional amounts to be deposited into a loan loss reserve fund established by a covered institution under subclause (V) based on the risk characteristics or performance of the covered institution and the loan portfolio of the covered institution.

''(ii) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which the regulations promulgated by the Administrator under clause (i) take effect, the Administrator may not carry out the Community Advantage Pilot Program of the Administration.

''(L) GAO REPORT.—Not later than 3 years after the date of enactment of this paragraph, the Comptroller General of the United States shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report—

''(i) assessing—

''(I) the extent to which the program fulfills the requirements of this paragraph; and

''(II) the performance of covered institutions participating in the program; and

''(ii) providing recommendations on the administration of the program and the findings under subclauses (I) and (II) of clause (i).

''(M) WORKING GROUP.—

''(i) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a Community Advantage Working Group, which shall—

''(I) include—

''(aa) a geographically diverse representation of members from among covered institutions participating in the program; and

''(bb) representatives from—

''(AA) the Office of Capital Access of the Administration, including the Office of Credit Risk Management, and the Office of Financial Assistance; and

''(BB) the Office of Emerging Markets;

''(II) develop recommendations on how the Administration can effectively manage, support, and promote the program and the mission of the program;

''(III) establish metrics of success and benchmarks that reflect the mission and population served by covered institutions under the program, which the Administration shall use to evaluate the performance of those covered institutions;

''(IV) institute regular and sustainable systems of communication between the Administration and covered institutions participating in the program; and

''(V) establish criteria for covered institutions regarding when those institutions should provide technical assistance to borrowers under the program and the scope of that technical assistance.

''(ii) REPORT.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

''(I) the recommendations of the Community Advantage Working Group established under clause (i); and

''(II) a recommended plan and timeline for implementation of those recommendations.''.

SEC. 4102. SPURRING INNOVATION IN UNDERSERVED MARKETS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(2) by inserting after section 48 (15 U.S.C. 657u) the following:

''SEC. 49. INNOVATION CENTERS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ACCELERATOR.—The term 'accelerator' means an organization—

''(A) that—

''(i) works with a startup or growing small business concern for a predetermined period; and

''(ii) provides mentorship and instruction to scale businesses; and

''(B) that may—

''(i) provide, but is not exclusively designed to provide, seed investment in exchange for a small amount of equity; and

''(ii) offer startup capital or the opportunity to raise capital from outside investors.

''(2) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term 'federally recognized area of economic distress' means—

''(A) a HUBZone; or

''(B) an area that has been designated as—

''(i) an empowerment zone under section 1391 of the Internal Revenue Code of 1986;

''(ii) a qualified opportunity zone under section 1400Z–1 of the Internal Revenue Code of 1986;

''(iii) a Promise Zone by the Secretary of Housing and Urban Development; or

''(iv) a low-income neighborhood or moderate-income neighborhood for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.).

''(3) GROWING; NEWLY ESTABLISHED; STARTUP.—The terms 'growing', 'newly established', and 'startup', with respect to a small business concern, mean growing, newly established, and startup, respectively, within the meaning given those terms under section 7(m).

''(4) INCUBATOR.—The term 'incubator' means an organization—

''(A) that—

''(i) tends to work with startup and newly established small business concerns; and

''(ii) provides mentorship to startup and newly established small business concerns; and

''(B) that may—

''(i) provide a co-working environment or a month-to-month lease program; and

''(ii) work with a startup or newly established small business concern for a predetermined period or an open-ended period.

''(5) INDIVIDUALS WITH A DISABILITY.—The term 'individuals with a disability' means more than one individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a));

''(B) a junior or community college, as defined in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058); or

''(C) any nonprofit organization associated with an entity described in subparagraph (A) or (B).

''(7) RURAL AREA.—The term 'rural area' has the meaning given that term in section 7(m)(11).

''(8) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'socially and economically disadvantaged individual' means a socially and economically disadvantaged individual within the meaning given that term under section 8(d)(3)(C).

''(b) ESTABLISHMENT.—Not later than 18 months after the date of enactment of the Economic Justice Act, the Administrator shall develop and begin implementing a program (to be known as the 'Innovation Centers Program') to enter into cooperative agreements with eligible entities under this section.

''(c) PURPOSES.—The purposes of the Innovation Centers Program are to—

''(1) stimulate economic growth in underserved communities by creating good paying jobs and pathways to prosperity, which are especially important in times of economic downturn;

''(2) increase prospects for success for small business concerns in underserved communities, which often suffer from higher business failure rates than the national average;

''(3) help create a pipeline for small business concerns in underserved and rural markets into high-growth sectors, where they are generally underrepresented;

''(4) help address the multi-decade decline in the rate of new business creation;

''(5) close the gaps that underserved small business concerns often have in terms of revenue and number of employees, which represent lost opportunity for the economy; and

''(6) encourage collaboration between the Administration and institutions of higher learning that serve low-income and minority communities.

''(d) AUTHORITY.—

''(1) IN GENERAL.—The Administrator may—

''(A) enter into cooperative agreements to provide financial assistance to eligible entities to conduct 5-year projects for the benefit of startup, newly established, or growing small business concerns; and

''(B) renew a cooperative agreement entered into under this section for additional 3-year periods, in accordance with paragraph (3).

''(2) PROJECT REQUIREMENTS.—A project conducted under a cooperative agreement under this section shall—

''(A) include operating as an accelerator, an incubator, or any other small business innovation-focused project as the Administrator approves;

''(B) be carried out in such locations as to provide maximum accessibility and benefits to the small business concerns that the project is intended to serve;

''(C) have a full-time staff, including a full-time director who shall—

''(i) have the authority to make expenditures under the budget of the project; and

''(ii) manage the activities carried out under the project;

''(D) include the joint provision of programs and services by the eligible entity and the Administration, which—

''(i) shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the eligible entity and the Administration; and

''(ii) shall include—

''(I) 1-to-1 individual counseling as described in section 21(c)(3)(A); and

''(II) a formal, structured mentorship program;

''(E) incorporate continuous upgrades and modifications to the services and programs offered under the project, as needed to meet the changing and evolving needs of the business community;

''(F) involve working with underserved groups, which include—

''(i) women;

''(ii) socially and economically disadvantaged individuals;

''(iii) veterans;

''(iv) individuals with disabilities; or

''(v) startup, newly established, or growing small business concerns located in rural areas;

''(G) not impose or otherwise collect a fee or other compensation in connection with participation in the programs and services described in subparagraph (D)(ii); and

''(H) ensure that small business concerns participating in the project have access, including through resource partners, to information concerning Federal, State, and local regulations that affect small business concerns.

''(3) CONTINUED FUNDING.—

''(A) IN GENERAL.—An eligible entity that enters into an initial cooperative agreement or a renewal of a cooperative under paragraph (1) may submit an application for a 3-year renewal of the cooperative agreement at such time, in such manner, and accompanied by such information as the Administrator may establish.

''(B) APPLICATION AND APPROVAL CRITERIA.—

''(i) CRITERIA.—The Administrator shall develop and publish criteria for the consideration and approval of applications for renewals by eligible entities under this paragraph, which shall take into account the structure and the stated goals of the project.

''(ii) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application.

''(C) PRIORITY.—In allocating funds made available for cooperative agreements under this section, the Administrator shall give applications under this paragraph priority over first-time applications for cooperative agreements under paragraph (1)(A).

''(4) LIMIT ON USE OF FUNDS.—Amounts received by an eligible entity under a cooperative agreement under this section may not be used to provide capital to a participant in the project carried out under the cooperative agreement.

''(5) SCOPE OF AUTHORITY.—

''(A) SUBJECT TO APPROPRIATIONS.—The authority of the Administrator to enter into cooperative agreements under this section shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(B) SUSPENSION, TERMINATION, AND FAILURE TO RENEW OR EXTEND.—After the Administrator has entered into a cooperative agreement with an eligible entity under this section, the Administrator shall not suspend, terminate, or fail to renew or extend the cooperative agreement unless the Administrator provides the eligible entity with written notification setting forth the reasons therefore and affords the eligible entity an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(e) CRITERIA.—

''(1) IN GENERAL.—The Administrator shall—

''(A) establish and rank in terms of relative importance the criteria the Administrator shall use in awarding cooperative agreements under this section, which shall include—

''(i) whether the proposed project will be located in—

''(I) a federally recognized area of economic distress;

''(II) a rural area; or

''(III) an area lacking sufficient entrepreneurial development resources, as determined by the Administrator; and

''(ii) whether the proposed project demonstrates a commitment to partner with core stakeholders working with small business concerns in the relevant area, including—

''(I) investment and lending organizations;

''(II) nongovernmental organizations;

''(III) programs of State and local governments that are concerned with aiding small business concerns;

''(IV) Federal agencies; and

''(V) for-profit organizations with an expertise in small business innovation;

''(B) make publicly available, including on the website of the Administration, and state in each solicitation for applications for cooperative agreements under this section the selection criteria and ranking established under subparagraph (A); and

''(C) evaluate and rank applicants for cooperative agreements under this section in accordance with the selection criteria and ranking established under subparagraph (A).

''(2) CONTENTS.—The criteria established under paragraph (1)(A)—

''(A) for eligible entities that have in operation an accelerator, incubator, or other small business innovation-focused project shall include the record of the eligible entity in assisting growing, newly established, and startup small business concerns, including, for each of the 3 full years before the date on which the eligible entity applies for a cooperative agreement under this section, or if the accelerator, incubator, or other small business innovation-focused project has been in operation for less than 3 years, for the most recent full year the accelerator, incubator, or other small business innovation-focused project was in operation—

''(i) the number and retention rate of growing, newly established, and startup business concerns in the program of the eligible entity;

''(ii) the average period of participation by growing, newly established, and startup small business concerns in the program of the eligible entity;

''(iii) the total and median capital raised by growing, newly established, and startup small business concerns participating in the program of the eligible entity;

''(iv) the number of investments or loans received by growing, newly established, and startup small business concerns participating in the program of the eligible entity; and

''(v) the total and median number of employees of growing, newly established, and startup small business concerns participating in the program of the eligible entity; and

''(B) for all eligible entities—

''(i) shall include whether the eligible entity—

''(I) indicates the structure and goals of the project;

''(II) demonstrates ties to the business community;

''(III) describes the capabilities of the project, including coordination with local resource partners and local or national lending partners of the Administration;

''(IV) addresses the unique business and economic challenges faced by the community in which the eligible entity is located and businesses in that community; and

''(V) provides a proposed budget and plan for use of funds; and

''(ii) may include any other criteria determined appropriate by the Administrator.

''(f) PROGRAM EXAMINATION.—

''(1) IN GENERAL.—The Administrator shall—

''(A) develop and implement an annual programmatic and financial examination of each project conducted under this section, under which each eligible entity entering into a cooperative agreement under this section shall provide to the Administrator—

''(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

''(ii) documentation regarding—

''(I) the amount of matching assistance from non-Federal sources obtained and expended by the eligible entity during the preceding year in order to meet the matching requirement; and

''(II) with respect to any in-kind contributions that were used to satisfy the matching requirement, verification of the existence and valuation of those contributions; and

''(B) analyze the results of each examination conducted under subparagraph (A) and, based on that analysis, make a determination regarding the programmatic and financial viability of each eligible entity.

''(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to continue or renew a cooperative agreement under this section, the Administrator—

''(A) shall consider the results of the most recent examination of the project under paragraph (1); and

''(B) may terminate or not renew a cooperative agreement, if the Administrator determines that the eligible entity has failed to provide any information required to be provided (including information provided for the purpose of the annual report by the Administrator under subsection (n)) or the information provided by the eligible entity is inadequate.

''(g) TRAINING AND TECHNICAL ASSISTANCE.—The Administrator—

''(1) shall provide in person or online training and technical assistance to each eligible entity entering into a cooperative agreement under this section at the beginning of the participation of the eligible entity in the Innovation Centers Program, or as requested by the eligible entity, in order to build the capacity of the eligible entity and ensure compliance with procedures established by the Administrator;

''(2) shall ensure that the training and technical assistance described in paragraph (1) is provided at no cost or at a low cost; and

''(3) may enter into a contract to provide the training or technical assistance described in paragraph (1) with 1 or more organizations with expertise in the entrepreneurial development programs of the Administration, innovation, and entrepreneurial development.

''(h) COORDINATION.—In carrying out a project under this section, an eligible entity may coordinate with—

''(1) resource and lending partners of the Administration;

''(2) programs of State and local governments that are concerned with aiding small business concerns; and

''(3) other Federal agencies, including to provide services to and assist small business concerns in participating in the SBIR and STTR programs, as defined in section 9(e).

''(i) FUNDING LIMIT.—The amount of financial assistance provided to an eligible entity under a cooperative agreement entered into under this section shall be not more than $400,000 during each year.

''(j) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible entity shall contribute toward the cost of the project carried out under the cooperative agreement under this section an amount equal to 50 percent of the amount received under the cooperative agreement.

''(2) IN-KIND CONTRIBUTIONS.—Not more than 75 percent of the contribution of an eligible entity under paragraph (1) may be in the form of in-kind contributions.

''(3) WAIVER.—

''(A) IN GENERAL.—If the Administrator determines that an eligible entity is unable to meet the contribution requirement under paragraph (1), the Administrator may reduce the required contribution.

''(B) PRESUMPTION.—

''(i) IN GENERAL.—The Administration shall, by regulation, establish criteria to determine which eligible entities are presumed to be unable to meet the contribution requirement under paragraph (1).

''(ii) STAKEHOLDERS.—In establishing the criteria under clause (i), the Administrator shall work with stakeholders immediately impacted by the criteria.

''(iii) PERIODIC REVIEW.—The Administration shall periodically, but not less than once every 5 years, review the criteria established under clause (i) to ensure that the criteria align with economic conditions.

''(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If an eligible entity fails to obtain the required non-Federal contribution during any project, or the reduced non-Federal contribution as determined by the Administrator—

''(A) the eligible entity shall not be eligible thereafter for any other project for which it is or may be funded by the Administration; and

''(B) prior to approving assistance for the eligible entity for any other projects, the Administrator shall specifically determine whether the Administrator believes that the eligible entity will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making that determination.

''(5) RULE OF CONSTRUCTION.—The demonstrated inability of an eligible entity to meet the contribution requirement under paragraph (1) shall not disqualify the eligible entity from entering into a cooperative agreement under this section.

''(k) CONTRACT AUTHORITY.—

''(1) IN GENERAL.—An eligible entity may enter into a contract with a Federal department or agency to provide specific assistance to startup, newly established, or growing small business concerns.

''(2) PERFORMANCE.—Performance of a contract entered into under paragraph (1) may not hinder the eligible entity in carrying out the terms of the cooperative agreement under this section.

''(3) EXEMPTION FROM MATCHING REQUIREMENT.—A contract entered into under paragraph (1) shall not be subject to the matching requirement under subsection (j).

''(4) ADDITIONAL PROVISION.—Notwithstanding any other provision of law, a contract for assistance under paragraph (1) shall not be applied to any Federal department or agency's small business, woman-owned business, or socially and economically disadvantaged business contracting goal under section 15(g).

''(l) PRIVACY REQUIREMENTS.—

''(1) IN GENERAL.—An eligible entity may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

''(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

''(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of an eligible entity, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

''(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

''(A) restrict Administration access to program activity data; or

''(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

''(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).

''(m) PUBLICATION OF INFORMATION.—The Administrator shall—

''(1) publish information about the program under this section online, including—

''(A) on the website of the Administration; and

''(B) on the social media of the Administration; and

''(2) request that the resource and lending partners of the Administration and the district offices of the Administration publicize the program.

''(n) ANNUAL REPORTING.—Not later than 1 year after the date on which the Administrator establishes the program under this section, and every year thereafter, the Administrator shall submit to Congress a report on the activities under the program, including—

''(1) a list of all eligible entities participating in the program;

''(2) the number of startup, newly established, and growing small business concerns participating in the project carried out by each eligible entity under a cooperative agreement under this section (in this paragraph referred to as 'participants'), including a breakdown of the owners of the participants by race, gender, veteran status, and urban versus rural location;

''(3) the retention rate for participants;

''(4) the total and median amount of capital accessed by participants, including the type of capital accessed;

''(5) the total and median number of employees of participants;

''(6) the number and median wage of jobs created by participants;

''(7) the number of jobs sustained by participants; and

''(8) information regarding such other metrics as the Administrator determines appropriate.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(A) $4,000,000 for the first fiscal year beginning after the date of enactment of the Economic Justice Act;

''(B) $7,500,000 for the second fiscal year beginning after such date of enactment; and

''(C) $12,000,000 for each of the third, fourth, and fifth fiscal years beginning after such date of enactment.

''(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for any fiscal year, not more than 10 percent may be used by the Administrator for administrative expenses.''.

(b) REGULATIONS.—The Administrator shall promulgate regulations to carry out section 49 of the Small Business Act, as added by subsection (a).

SEC. 4103. OFFICE OF EMERGING MARKETS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(o) OFFICE OF EMERGING MARKETS.—

''(1) PURPOSE.—The purpose of this office is to reduce the access to capital gap by providing an integrated approach to the development of small business concerns in underserved markets, including minority- and women-owned businesses, implementing strategy and providing guidance so they do not get left behind.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'Associate Administrator' means the Associate Administrator of the Office of Capital Access of the Administration;

''(B) the term 'Director' means the Director of the Office of Emerging Markets;

''(C) the term 'microloan program' means the program described in subsection (m);

''(D) the terms 'new business' and 'small business concern in an underserved market' have the meanings given those terms in subsection (a)(37);

''(E) the term 'Reservist' means a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code;

''(F) the term 'rural area' has the meaning given the term in subsection (m)(11);

''(G) the term 'service-connected' has the meaning given the term in section 101 of title 38, United States Code; and

''(H) the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C).

''(3) ESTABLISHMENT.—There is established within the Administration the Office of Emerging Markets, which shall be—

''(A) under the general management and oversight of the Administration; and

''(B) responsible for the planning, coordination, implementation, evaluation, and improvement of the efforts of the Administrator to enhance the economic well-being of small business concerns in an underserved market.

''(4) PURPOSES.—The purposes of the Office of Emerging Markets are—

''(A) to provide the Administration with an integrated approach to the development of small business concerns in an underserved market;

''(B) to reignite economic opportunity for underserved markets, particularly after an economic downturn; and

''(C) to oversee the expansion of access to capital programs that meet the needs of underserved markets.

''(5) DIRECTOR.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall appoint a Director of the Office of Emerging Markets, who shall—

''(i) supervise the Office of Emerging Markets and report to the Associate Administrator; and

''(ii) be in the Senior Executive Service.

''(B) DUTIES.—The Director shall—

''(i) create and implement strategies and programs that provide an integrated approach to the development of small business concerns in an underserved market;

''(ii) develop and recommend policies concerning the microloan program and any other access to capital program of the Administration, as such programs pertain to small business concerns in an underserved market;

''(iii) establish partnerships to advance the goal of improving the economic success of small business concerns in an underserved market;

''(iv) review the effectiveness and impact of the microloan program and any other access to capital program of the Administration that is targeted to serve small business concerns in an underserved market; and

''(v) within 1 year of the establishment of the Office—

''(I) create a proposal, in collaboration with lenders under section 7(a) and any association that represents those lenders, for how those lenders should incorporate alternative metrics to traditional credit scores for the purposes of determining approvals under section 7(a); and

''(II) put forward a public plan for how the Administration will adequately reach the access to capital needs of underserved markets.

''(C) CONSULTATION.—In carrying out the duties under this paragraph, the Director shall consult with district offices of the Administration.''.

SEC. 4104. SBIC DIVERSITY WORKING GROUP.

(a) DEFINITIONS.—In this section—

(1) the term ''Administration'' means the Small Business Administration;

(2) the term ''Administrator'' means the Administrator of the Administration; and

(3) the term ''small business investment company'' has the meaning given the term in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

(b) WORKING GROUP.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an SBIC Diversity Working Group (referred to in this subsection as the ''Working Group''), which shall—

(A) include—

(i) representatives among general partners of small business investment companies with a demonstrated record of promoting diversity at those companies;

(ii) representatives from small business investment companies with a demonstrated record of investing in small business concerns with not less than 1 owner or president who is socially or economically disadvantaged, as determined under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(iii) representatives from small business investment companies with substantial experience with respect to the program carried out under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.);

(iv) representatives from the Office of Investment and Innovation of the Administration; and

(v) representatives from the investment industry and academia with expertise in developing and monitoring diversity in the investment industry;

(B) develop recommendations regarding how the Administrator could increase the number of—

(i) applicants to become small business investment companies, the management of which includes individuals who are socially or economically disadvantaged; and

(ii) the number of general partners at small business investment companies who are socially or economically disadvantaged individuals;

(C) develop recommendations for paid internships at the Office of Investment and Innovation of the Administration and paid apprenticeships at small business investment companies to build a pipeline of investment managers who are diverse;

(D) develop incentives for small business investment companies to invest in socially and economically disadvantaged small business concerns, as defined in section 8(4)(A) of the Small Business Act (15 U.S.C. 637(a)(4)(A)); and

(E) establish metrics of success, and benchmarks for success, with respect to the goals described in this section.

(2) AVAILABILITY OF MEETINGS.—The Working Group may make the meetings of the Working Group open to the public without regard to whether those meetings are held in-person, virtually, or by some other means.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

(A) the recommendations of the Working Group developed under paragraph (1); and

(B) a recommended plan and timeline for implementing the recommendations described in subparagraph (A).

(4) TERMINATION.—The Working Group shall terminate on the date on which the Working Group submits the report required under paragraph (3).

(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Working Group or the activities of the Working Group.

Subtitle B—Minority Business Resiliency

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Minority Business Resiliency Act of 2020''.

SEC. 4202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) During times of economic downturn or recession, communities of color, and businesses within those communities, are generally more adversely affected, which requires an expansion of the ability of the Federal Government to infuse resources into those communities.

(2) Despite the growth in the number of minority business enterprises, gaps remain with respect to key metrics for those enterprises, such as access to capital, revenue, number of employees, and survival rate. Specifically—

(A) according to the Department of Commerce, minority business enterprises are 2 to 3 times more likely to be denied loans than non-minority business enterprises;

(B) according to the Bureau of the Census, the average non-minority business enterprise reports receipts that are more than 3 times higher than receipts reported by the average minority business enterprise; and

(C) according to the Kauffman Foundation—

(i) minority business enterprises are ½ as likely to employ individuals, as compared with non-minority business enterprises; and

(ii) if minorities started and owned businesses at the same rate as non-minorities, the United States economy would have more than 1,000,000 additional employer businesses and more than 9,500,000 additional jobs.

(3) Because of the conditions described in paragraph (2), it is in the interest of the United States and the economy of the United

States to expeditiously ameliorate the disparities that minority business enterprises experience.

(4) Many individuals who own minority business enterprises are socially disadvantaged because those individuals identify as members of certain groups that have suffered the effects of discriminatory practices or similar circumstances over which those individuals have no control, including individuals who are—

(A) Black or African American;

(B) Hispanic or Latino;

(C) American Indian or Alaska Native;

(D) Asian; and

(E) Native Hawaiian or other Pacific Islander.

(5) Discriminatory practices and similar circumstances described in paragraph (4) are a significant determinant of overall economic disadvantage in the United States, which is evident in the persistent racial wealth gap in the United States.

(6) While other Federal agencies focus only on small businesses and businesses that represent a broader demographic than solely minority business enterprises, the Agency focuses exclusively on—

(A) the unique needs of minority business enterprises; and

(B) enhancing the capacity of minority business enterprises.

(b) PURPOSES.—The purposes of this subtitle are to—

(1) require the Agency to promote and administer programs in the public and private sectors to assist the development of minority business enterprises; and

(2) achieve the development described in paragraph (1) by authorizing the Assistant Secretary to carry out programs that will result in increased access to capital, management, and technology for minority business enterprises.

SEC. 4203. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''Agency'' means the Minority Business Development Agency of the Department of Commerce.

(2) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Minority Business Development who is appointed as described in section 4204(b) to administer this subtitle.

(3) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(4) FEDERALLY RECOGNIZED AREA OF ECONOMIC DISTRESS.—The term ''federally recognized area of economic distress'' means—

(A) a HUBZone, as that term is defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) an area that—

(i) has been designated as—

(I) an empowerment zone under section 1391 of the Internal Revenue Code of 1986; or

(II) a Promise Zone by the Secretary of Housing and Urban Development; or

(ii) is a low or moderate income area, as determined by the Bureau of the Census;

(C) a qualified opportunity zone, as that term is defined in section 1400Z–1 of the Internal Revenue Code of 1986; or

(D) any other political subdivision or unincorporated area of a State determined by the Assistant Secretary to be an area of economic distress.

(5) INDIAN TRIBE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(B) NATIVE HAWAIIAN ORGANIZATION.—The term ''Indian Tribe'' includes a Native Hawaiian organization.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) MINORITY BUSINESS ENTERPRISE.—The term ''minority business enterprise'' means a for-profit business enterprise—

(A) that is not less than 51 percent-owned by 1 or more socially disadvantaged individuals; and

(B) the management and daily business operations of which are controlled by 1 or more socially disadvantaged individuals.

(8) PRIVATE SECTOR ENTITY.—The term ''private sector entity''—

(A) means an entity that is not a public sector entity; and

(B) does not include—

(i) the Federal Government;

(ii) any Federal agency; or

(iii) any instrumentality of the Federal Government.

(9) PUBLIC SECTOR ENTITY.—The term ''public sector entity'' means—

(A) a State;

(B) an agency of a State;

(C) a political subdivision of a State; or

(D) an agency of a political subdivision of a State.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(11) SOCIALLY DISADVANTAGED INDIVIDUAL.—

(A) IN GENERAL.—The term ''socially disadvantaged individual'' means an individual who has been subjected to racial or ethnic prejudice or cultural bias because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity.

(B) PRESUMPTION.—In carrying out this subtitle, the Assistant Secretary shall presume that the term ''socially disadvantaged individual'' includes any individual who is—

(i) Black or African American;

(ii) Hispanic or Latino;

(iii) American Indian or Alaska Native;

(iv) Asian;

(v) Native Hawaiian or other Pacific Islander; or

(vi) a member of a group that the Minority Business Development Agency determines under part 1400 of title 15, Code of Federal Regulations, as in effect on November 23, 1984, is a socially disadvantaged group eligible to receive assistance.

(12) STATE.—The term ''State'' means—

(A) each of the States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa;

(G) the Commonwealth of the Northern Mariana Islands; and

(H) each Indian Tribe.

SEC. 4204. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) IN GENERAL.—There is within the Department of Commerce the Minority Business Development Agency.

(b) ASSISTANT SECRETARY.—

(1) APPOINTMENT AND DUTIES.—The Agency shall be headed by an Assistant Secretary of Commerce for Minority Business Development, who shall be—

(A) appointed by the President, by and with the advice and consent of the Senate; and

(B) except as otherwise expressly provided, responsible for the administration of this subtitle.

(2) COMPENSATION.—The Assistant Secretary shall be compensated at an annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the organizational structure of the Agency;

(2) the organizational position of the Agency within the Department of Commerce; and

(3) a description of how the Agency shall function in relation to the operations carried out by each other component of the Department of Commerce.

(d) OFFICE OF BUSINESS CENTERS.—

(1) ESTABLISHMENT.—There is established within the Agency an Office of Business Centers.

(2) DIRECTOR.—The Office of Business Centers shall be administered by a Director, who shall be appointed by the Assistant Secretary.

(e) OFFICES OF THE AGENCY.—

(1) IN GENERAL.—The Assistant Secretary shall establish such other offices within the Agency as are necessary to carry out this subtitle.

(2) REGIONAL OFFICES.—

(A) IN GENERAL.—In order to carry out this subtitle, the Assistant Secretary may establish a regional office of the Agency for each of the regions of the United States, as determined by the Assistant Secretary.

(B) DUTIES.—Each regional office established under subparagraph (A) shall expand the reach of the Agency and enable the Federal Government to better serve the needs of minority business enterprises in the region served by the office, including by—

(i) understanding and participating in the business environment of that region;

(ii) working with—

(I) Centers, as that term is defined in section 4232, that are located in that region; and

(II) resource and lending partners of the Small Business Administration that are located in that region;

(iii) being aware of business retention or expansion programs specific to that region;

(iv) seeking out opportunities to collaborate with regional public and private programs that focus on minority business enterprises; and

(v) promoting business continuity and preparedness.

CHAPTER 1—COVID–19 RAPID RESPONSE

SEC. 4211. EMERGENCY APPROPRIATION.

There is appropriated to the Agency for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, $60,000,000 to provide assistance to minority business enterprises affected by the economic downturn caused by the COVID–19 pandemic, which shall remain available until expended.

CHAPTER 2—EXISTING INITIATIVES

Subchapter A—Market Development, Research, and Information

SEC. 4221. PRIVATE SECTOR DEVELOPMENT.

The Assistant Secretary shall, whenever the Assistant Secretary determines such action is necessary or appropriate—

(1) assist minority business enterprises to penetrate domestic and foreign markets by making available to those business enterprises, either directly or in cooperation with private sector entities, including community-based organizations and national nonprofit organizations—

(A) resources relating to management;

(B) technological assistance;

(C) financial and marketing services; and

(D) services relating to workforce development;

(2) encourage minority business enterprises to establish joint ventures and projects—

(A) with other minority business enterprises; or

(B) in cooperation with public sector entities or private sector entities, including

community-based organizations and national nonprofit organizations, to increase the share of any market activity being performed by minority business enterprises; and

(3) facilitate the efforts of private sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 4222. PUBLIC SECTOR DEVELOPMENT.

The Assistant Secretary shall, whenever the Assistant Secretary determines such action is necessary or appropriate—

(1) consult and cooperate with public sector entities for the purpose of leveraging resources available in the jurisdictions of those public sector entities to promote the position of minority business enterprises in the local economies of those public sector entities, including by assisting public sector entities to establish or enhance—

(A) programs to procure goods and services through minority business enterprises and goals for that procurement;

(B) programs offering assistance relating to—

(i) management;

(ii) technology;

(iii) financing;

(iv) marketing; and

(v) workforce development; and

(C) informational programs designed to inform minority business enterprises located in the jurisdictions of those public sector entities about the availability of programs described in this section;

(2) meet with leaders and officials of public sector entities for the purpose of recommending and promoting local administrative and legislative initiatives needed to advance the position of minority business enterprises in the local economies of those public sector entities; and

(3) facilitate the efforts of public sector entities and Federal agencies to advance the growth of minority business enterprises.

SEC. 4223. RESEARCH AND INFORMATION.

(a) IN GENERAL.—In order to achieve the purposes of this subtitle, the Assistant Secretary—

(1) shall—

(A) collect and analyze data, including data relating to the causes of the success or failure of minority business enterprises;

(B) perform evaluations of programs carried out by Federal agencies with an emphasis on increasing coordination between Federal agencies with respect to the development of minority business enterprises; and

(C) conduct research, studies, and surveys of—

(i) economic conditions generally in the United States; and

(ii) how the conditions described in clause (i) particularly affect the development of minority business enterprises; and

(2) may, at the request of a public sector entity or a private sector entity, perform an evaluation of programs carried out by the entity that are designed to assist the development of minority business enterprises.

(b) INFORMATION CLEARINGHOUSE.—The Assistant Secretary shall—

(1) establish and maintain an information clearinghouse for the collection and dissemination of demographic, economic, financial, managerial, and technical data relating to minority business enterprises; and

(2) take such steps as the Assistant Secretary may determine to be necessary and desirable to search for, collect, classify, coordinate, integrate, record, and catalog the data described in paragraph (1).

Subchapter B—Minority Business Development Center Program

SEC. 4231. PURPOSE.

The purpose of the MBDC Program shall be to create a national network of public-private partnerships that—

(1) assist minority business enterprises to—

(A) access capital and contracts; and

(B) create and maintain jobs;

(2) provide counseling and mentoring to minority business enterprises; and

(3) facilitate the growth of minority business enterprises by promoting trade.

SEC. 4232. DEFINITIONS.

In this subtitle:

(1) CENTER.—The term ''Center'' means an eligible entity that enters into an MBDC agreement with the Assistant Secretary.

(2) ELIGIBLE ENTITY.—Except as otherwise expressly provided, the term ''eligible entity''—

(A) means—

(i) a private sector entity; or

(ii) a public sector entity; and

(B) includes an institution of higher education.

(3) MBDC AGREEMENT.—The term ''MBDC agreement'' means a collaborative agreement entered into between the Assistant Secretary and a Center under the MBDC Program.

(4) MBDC PROGRAM.—The term ''MBDC Program'' means the program established under section 4233.

SEC. 4233. ESTABLISHMENT.

(a) IN GENERAL.—Subject to subsection (b), there is established in the Agency a program—

(1) that shall be known as the Minority Business Development Centers Program;

(2) that shall be separate and distinct from the efforts of the Assistant Secretary under section 4221; and

(3) under which the Assistant Secretary shall enter into cooperative agreements with eligible entities under which, in accordance with section 4234—

(A) the eligible entities shall provide technical assistance and business development services to minority business enterprises; and

(B) the Assistant Secretary shall provide financial assistance to the eligible entities to carry out the activities described in subparagraph (A).

(b) COVERAGE.—The Assistant Secretary shall take all necessary actions to ensure that the MBDC Program, in accordance with section 4234, offers the services described in subsection (a)(3)(A) in all regions of the United States.

(c) SCOPE OF AUTHORITY.—The authority of the Assistant Secretary to enter into MBDC agreements shall be effective each fiscal year only to the extent that amounts are made available to the Assistant Secretary under applicable appropriations Acts.

SEC. 4234. COOPERATIVE AGREEMENTS.

(a) REQUIREMENTS.—A Center shall, using financial assistance awarded to the Center under an MBDC agreement—

(1) provide to minority business enterprises programs and services determined to be appropriate by the Assistant Secretary, which—

(A) shall include referral services to meet the needs of minority business enterprises; and

(B) may include programs and services to accomplish the goals described in section 4221(1);

(2) develop, cultivate, and maintain a network of strategic partnerships with organizations that foster access by minority business enterprises to economic markets or contracts;

(3) continue to upgrade and modify the services provided by the Center, as necessary, in order to meet the changing and evolving needs of the business community;

(4) collaborate with other Centers; and

(5) in providing programs and services under the MBDC agreement—

(A) operate on a fee-for-service basis; and

(B) generate income through the collection of—

(i) client fees;

(ii) membership fees;

(iii) success fees; and

(iv) any other appropriate fees proposed by the Center in the application submitted by the Center for the MBDC agreement.

(b) TERM.—Subject to subsection (g), the term of an MBDC agreement shall be 3 years.

(c) FINANCIAL ASSISTANCE.—

(1) MINIMUM AMOUNT.—Subject to paragraph (2), the amount of financial assistance provided by the Assistant Secretary under an MBDC agreement shall be not less than $250,000 for the term of the MBDC agreement.

(2) ADDITIONAL AMOUNTS.—In determining whether to award financial assistance under an MBDC agreement to a Center in an amount greater than $250,000, the Assistant Secretary shall take into consideration the cost of living and the size of the population in the area in which the Center is located.

(3) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A Center shall match not less than ⅓ of the amount of the financial assistance awarded to the Center under an MBDC agreement.

(B) FORM OF FUNDS.—A Center may meet the matching requirement under subparagraph (A) using cash or in-kind contributions, without regard to whether the contribution is made by a third party.

(4) USE OF FINANCIAL ASSISTANCE AND PROGRAM INCOME.—A Center shall use—

(A) all financial assistance awarded to the Center under an MBDC agreement to carry out the requirements under subsection (a); and

(B) all income that the Center generates in carrying out the requirements under subsection (a)—

(i) to meet the matching requirement under paragraph (3) of this subsection; and

(ii) if the Center meets the matching requirement under paragraph (3) of this subsection, to carry out the requirements under subsection (a).

(d) CRITERIA FOR SELECTION.—The Assistant Secretary shall—

(1) establish—

(A) criteria that—

(i) the Assistant Secretary shall use in determining whether to enter into an MBDC agreement with an eligible entity; and

(ii) may include criteria relating to whether an eligible entity is located in—

(I) an area, the population of which is composed of not less than 51 percent socially disadvantaged individuals;

(II) a federally recognized area of economic distress; or

(III) a State that is underserved with respect to the MBDC program, as defined by the Assistant Secretary; and

(B) standards relating to the consideration given to the criteria established under subparagraph (A); and

(2) make the criteria and standards established under paragraph (1) publicly available, including—

(A) on the website of the Agency; and

(B) in each solicitation for applications for MBDC agreements.

(e) APPLICATIONS.—An eligible entity desiring to enter into an MBDC agreement shall submit to the Assistant Secretary an application that includes—

(1) a statement of—

(A) how the eligible entity will meet the requirements under subsection (a); and

(B) any experience of the eligible entity in—

(i) assisting minority business enterprises to—

(I) obtain—

(aa) large-scale contracts or procurements; or

(bb) financing;

(II) access established supply chains; and

(III) engage in—

(aa) joint ventures, teaming arrangements, and mergers and acquisitions; or

(bb) large-scale transactions in global markets; and

(ii) advocating for minority business enterprises; and

(2) the budget and corresponding budget narrative that the eligible entity will use in carrying out the requirements under subsection (a) during the term of the MBDC agreement.

(f) NOTIFICATION.—If the Assistant Secretary grants an application of an eligible entity submitted under subsection (e), the Assistant Secretary shall notify the eligible entity that the application has been granted not later than 150 days after the last day on which an application may be submitted under that subsection.

(g) PROGRAM EXAMINATION; ACCREDITATION; EXTENSIONS.—

(1) EXAMINATION.—Not later than 180 days after the date of enactment of this Act, and biennially thereafter, the Assistant Secretary shall conduct a programmatic financial examination of each Center.

(2) ACCREDITATION.—The Assistant Secretary may provide financial support, by contract or otherwise, to an association, not less than 51 percent of the members of which are Centers, to—

(A) pursue matters of common concern with respect to Centers; and

(B) develop an accreditation program with respect to Centers.

(3) EXTENSIONS.—

(A) IN GENERAL.—The Assistant Secretary may extend the term under subsection (b) of an MBDC agreement to which a Center is a party to a term of 5 years, if the Center consents to the extension.

(B) FINANCIAL ASSISTANCE.—If the Assistant Secretary extends the term of an MBDC agreement under paragraph (1), the Assistant Secretary shall, in the same manner and amount in which financial assistance was provided during the initial term of the MBDC agreement, provide financial assistance under the MBDC agreement during the extended term of the MBDC agreement.

(h) PRIORITY.—In entering into MBDC agreements under the MBDC Program and extending MBDC agreements under subsection (g)(3), the Assistant Secretary shall give priority to extending MBDC agreements under subsection (g)(3).

(i) SUSPENSION, TERMINATION, AND REFUSAL TO EXTEND.—

(1) IN GENERAL.—

(A) IN GENERAL.—The Assistant Secretary may suspend, terminate, or refuse to extend the term of an MBDC agreement on the basis of the poor performance by a Center in meeting the performance goals established by the Secretary under subparagraph (B).

(B) PERFORMANCE GOALS.—The Assistant Secretary shall establish performance goals by which to evaluate the performance of a Center in meeting the requirements under subsection (a).

(2) NOTICE.—Before suspending, terminating, or refusing to extend the term of an MBDC agreement under paragraph (1), the Assistant Secretary shall provide to the relevant Center—

(A) a written notice of the reasons for the suspension, termination, or refusal; and

(B) an opportunity for a hearing, appeal, or other administrative proceeding to contest the suspension, termination, or refusal.

(j) MBDA INVOLVEMENT.—The Assistant Secretary shall ensure that the Agency is substantially involved in the activities of Centers in carrying out the requirements under subsection (a), including by—

(1) providing to each Center training relating to the MBDC Program;

(2) requiring that the operator and staff of each Center—

(A) attend—

(i) a conference with the Agency to establish the services and programs that the Center will provide in carrying out the requirements before the date on which the Center begins providing those services and programs; and

(ii) training provided under paragraph (1);

(B) receive necessary advising relating to carrying out the requirements under subsection (a); and

(C) work in coordination and collaboration with the Assistant Secretary to carry out the MBDC Program and other programs of the Agency;

(3) facilitating connections between Centers and—

(A) Federal agencies other than the Agency, including the Small Business Administration and the Economic Development Administration of the Department of Commerce; and

(B) other institutions or entities that use Federal resources, including—

(i) small business development centers, as that term is defined in section 3(t) of the Small Business Act (15 U.S.C. 632(t));

(ii) women's business centers described in section 29 of the Small Business Act (15 U.S.C. 656);

(iii) eligible entities, as that term is defined in section 2411 of title 10, United States Code, that provide services under the program carried out under chapter 142 of that title; and

(iv) entities participating in the Hollings Manufacturing Extension Partnership Program established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k);

(4) monitoring projects carried out by each Center; and

(5) establishing and enforcing administrative and reporting requirements for each Center to carry out the requirements under subsection (a).

(k) REGULATIONS.—The Assistant Secretary shall issue and publish regulations that establish minimum standards regarding verification of minority business enterprise status for clients of entities operating under the MBDC Program.

SEC. 4235. MINIMIZING DISRUPTIONS TO EXISTING BUSINESS CENTERS PROGRAM.

The Assistant Secretary shall ensure that each cooperative agreement entered into under the Business Centers program of the Agency that is in effect on the day before the date of enactment of this Act is carried out in a manner that, to the greatest extent practicable, prevents disruption of any activity carried out under the cooperative agreement.

SEC. 4236. PUBLICITY.

In carrying out the MBDC Program, the Assistant Secretary shall widely publicize the MBDC Program, including—

(1) on the website of the Agency; and

(2) via social media outlets.

SEC. 4237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Assistant Secretary $30,000,000 for each of fiscal years 2021 through 2024 to carry out the MBDC Program, including the component of the program relating to Specialty Centers.

CHAPTER 3—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

SEC. 4241. ANNUAL DIVERSE BUSINESS FORUM ON CAPITAL FORMATION.

(a) RESPONSIBILITY OF AGENCY.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Agency shall conduct a Government-business forum to review the current status of problems and programs relating to capital formation by minority business enterprises.

(b) PARTICIPATION IN FORUM PLANNING.—The Assistant Secretary shall invite the heads of other Federal agencies, such as the Chairman of the Securities and Exchange Commission, the Secretary of the Treasury, and the Chairman of the Board of Governors of the Federal Reserve System, organizations representing State securities commissioners, representatives of leading minority chambers of commerce, business organizations, and professional organizations concerned with capital formation to participate in the planning of each forum conducted under subsection (a).

(c) PREPARATION OF STATEMENTS AND REPORTS.—

(1) REQUESTS.—The Assistant Secretary may request that any head of a Federal department, agency, or organization, including those described in subsection (b), or any other group or individual, prepare a statement or report to be delivered at any forum conducted under subsection (a).

(2) COOPERATION.—Any head of a Federal department, agency, or organization who receives a request under paragraph (1) shall, to the greatest extent practicable, cooperate with the Assistant Secretary to fulfill that request.

(d) TRANSMITTAL OF PROCEEDINGS AND FINDINGS.—The Assistant Secretary shall—

(1) prepare a summary of the proceedings of each forum conducted under subsection (a), which shall include the findings and recommendations of the forum; and

(2) transmit the summary described in paragraph (1) with respect to each forum conducted under subsection (a) to—

(A) the participants in the forum;

(B) Congress; and

(C) the public, through a publicly available website.

(e) REVIEW OF FINDINGS AND RECOMMENDATIONS; PUBLIC STATEMENTS.—

(1) IN GENERAL.—A Federal agency to which a finding or recommendation described in subsection (d)(1) relates shall—

(A) review that finding or recommendation; and

(B) promptly after the finding or recommendation is transmitted under paragraph (2)(C) of subsection (d), issue a public statement—

(i) assessing the finding or recommendation; and

(ii) disclosing the action, if any, the Federal agency intends to take with respect to the finding or recommendation.

(2) JOINT STATEMENT PERMITTED.—If a finding or recommendation described in subsection (d)(1) relates to more than 1 Federal agency, the applicable Federal agencies may, for the purposes of the public statement required under paragraph (1)(B), issue a joint statement.

SEC. 4242. AGENCY STUDY ON ALTERNATIVE FINANCING SOLUTIONS.

(a) PURPOSE.—The purpose of this section is to provide information relating to alternative financing solutions to minority business enterprises, as those business enterprises are more likely to struggle in accessing, particularly at affordable rates, traditional sources of capital.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall—

(1) conduct a study on opportunities for providing alternative financing solutions to minority business enterprises; and

(2) submit to Congress, and publish on the website of the Agency, a report describing the findings of the study carried out under paragraph (1).

SEC. 4243. EDUCATIONAL DEVELOPMENT RELATING TO MANAGEMENT AND ENTREPRENEURSHIP.

(a) DUTIES.—The Assistant Secretary shall, whenever the Assistant Secretary determines such action is necessary or appropriate—

(1) promote and provide assistance for the education and training of socially disadvantaged individuals in subjects directly relating to business administration and management;

(2) join with, and encourage, institutions of higher education, leaders in business and industry, and other public sector and private sector entities, particularly minority business enterprises, to—

(A) develop programs to offer scholarships and fellowships, apprenticeships, and internships relating to business to socially disadvantaged individuals; and

(B) sponsor seminars, conferences, and similar activities relating to business for the benefit of socially disadvantaged individuals;

(3) stimulate and accelerate curriculum design and improvement in support of development of minority business enterprises; and

(4) encourage and assist private institutions and organizations and public sector entities to undertake activities similar to the activities described in paragraphs (1), (2), and (3).

(b) PARREN J. MITCHELL ENTREPRENEURSHIP EDUCATION GRANTS.—

(1) DEFINITION.—In this subsection, the term ''eligible institution'' means an institution of higher education described in any of paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) GRANTS.—The Assistant Secretary shall award grants to eligible institutions to develop and implement entrepreneurship curricula.

(3) REQUIREMENTS.—An eligible institution that receives a grant awarded under this subsection shall use the grant funds to—

(A) develop a curriculum that includes training in various skill sets needed by contemporary successful entrepreneurs, including—

(i) business management and marketing;

(ii) financial management and accounting;

(iii) market analysis;

(iv) competitive analysis;

(v) innovation;

(vi) strategic planning; and

(vii) any other skill set that the eligible institution determines is necessary for the students served by the eligible institution and the community in which the eligible institution is located; and

(B) implement the curriculum developed under subparagraph (A) at the eligible institution.

(4) IMPLEMENTATION TIMELINE.—The Assistant Secretary shall establish and publish a timeline under which an eligible institution that receives a grant under this section shall carry out the requirements under paragraph (3).

(5) REPORTS.—Each year, the Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, a report evaluating the awarding and use of grants under this subsection during the fiscal year immediately preceding the date on which the report is submitted, which shall include, with respect to that fiscal year—

(A) a description of each curriculum developed and implemented under each grant awarded under this section;

(B) the date on which each grant awarded under this section was awarded; and

(C) the number of eligible entities that were recipients of grants awarded under this section.

CHAPTER 4—ADMINISTRATIVE AND OTHER POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

SEC. 4251. ADMINISTRATIVE POWERS.

(a) IN GENERAL.—In carrying out this subtitle, the Assistant Secretary may—

(1) adopt and use a seal for the Agency, which shall be judicially noticed;

(2) hold hearings, sit and act, and take testimony as the Assistant Secretary may determine to be necessary or appropriate to carry out this subtitle;

(3) acquire, in any lawful manner, any property that the Assistant Secretary may determine to be necessary or appropriate to carry out this subtitle;

(4) make advance payments under grants, contracts, and cooperative agreements awarded under this subtitle;

(5) enter into agreements with other Federal agencies;

(6) coordinate with the heads of the Offices of Small and Disadvantaged Business Utilization of Federal agencies;

(7) require a coordinated review of all training and technical assistance activities that are proposed to be carried out by Federal agencies in direct support of the development of minority business enterprises to—

(A) ensure consistency with the purposes of this subtitle; and

(B) avoid duplication of existing efforts; and

(8) prescribe such rules, regulations, and procedures as the Agency may determine to be necessary or appropriate to carry out this subtitle.

(b) EMPLOYMENT OF CERTAIN EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—In carrying out this subtitle, the Assistant Secretary may procure by contract the temporary or intermittent services of experts or consultants or an organization thereof, as authorized under section 3109 of title 5, United States Code.

(2) RENEWAL OF CONTRACTS.—The Assistant Secretary may annually renew a contract entered into under paragraph (1).

(c) DONATION OF PROPERTY.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out this subtitle, the Assistant Secretary may, without cost (except for costs of care and handling), donate for use by any public sector entity, or by any recipient nonprofit organization, for the purpose of the development of minority business enterprises, any real or tangible personal property acquired by the Agency in carrying out this subtitle.

(2) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—The Assistant Secretary may impose reasonable terms, conditions, reservations, and restrictions upon the use of any property donated under paragraph (1).

SEC. 4252. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—

(1) PROVISION OF FINANCIAL ASSISTANCE.—To carry out sections 4221, 4222, and 4223(a), the Assistant Secretary may provide financial assistance to public sector entities and private sector entities in the form of contracts, grants, or cooperative agreements.

(2) NOTICE.—Not later than 120 days before the first day of each fiscal year, the Assistant Secretary shall, in accordance with subsection (b), broadly publish a statement regarding financial assistance that will, or may, be made available under paragraph (1) in the first fiscal year that begins after the date on which the statement is published, including—

(A) the actual, or anticipated, amount of financial assistance that will, or may, be made available;

(B) the types of financial assistance that will, or may, be made available;

(C) the manner in which financial assistance will be allocated among public sector entities and private sector entities, as applicable; and

(D) the methodology used by the Assistant Secretary to make allocations under subparagraph (C).

(3) CONSULTATION.—The Assistant Secretary shall consult with public sector entities and private sector entities, as applicable, in deciding the amounts and types of financial assistance to make available under paragraph (1).

(b) PUBLICITY.—In carrying out this section, the Assistant Secretary shall broadly publicize all opportunities for financial assistance available under this section, including—

(1) on the website of the Agency; and

(2) via social media outlets.

SEC. 4253. AUDITS.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of assistance under this subtitle shall keep such records as the Assistant Secretary shall prescribe, including records that fully disclose, with respect to the assistance received by the recipient under this subtitle—

(1) the amount and nature of that assistance;

(2) the disposition by the recipient of the proceeds of that assistance;

(3) the total cost of the undertaking for which the assistance is given or used;

(4) the amount and nature of the portion of the cost of the undertaking described in paragraph (3) that is supplied by a source other than the Agency; and

(5) any other records that will facilitate an effective audit of the assistance.

(b) ACCESS BY GOVERNMENT OFFICIALS.—The Assistant Secretary, the Inspector General of the Department of Commerce, and the Comptroller General of the United States, or any duly authorized representative of any such individual, shall have access, for the purpose of audit, investigation, and examination, to any book, document, paper, record, or other material of a recipient of assistance under this subtitle that pertains to the assistance received by the recipient under this subtitle.

SEC. 4254. REVIEW AND REPORT BY COMPTROLLER GENERAL.

Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a thorough review of the programs carried out under this subtitle; and

(2) submit to Congress a detailed report of the findings of the Comptroller General of the United States under the review carried out under paragraph (1), which shall include—

(A) an evaluation of the effectiveness of the programs in achieving the purposes of this subtitle;

(B) a description of any failure by any recipient of assistance under this subtitle to comply with the requirements under this subtitle; and

(C) recommendations for any legislative or administrative action that should be taken to improve the achievement of the purposes of this subtitle.

SEC. 4255. ANNUAL REPORTS; RECOMMENDATIONS.

(a) ANNUAL REPORT.—Not later than 90 days after the last day of each fiscal year, the Assistant Secretary shall submit to Congress, and publish on the website of the Agency, a report of each activity of the Agency carried out under this subtitle during the fiscal year preceding the date on which the report is submitted.

(b) RECOMMENDATIONS.—The Assistant Secretary shall periodically submit to Congress and the President recommendations for legislation or other actions that the Assistant Secretary determines to be necessary or appropriate to promote the purposes of this subtitle.

SEC. 4256. SEPARABILITY.

If a provision of this subtitle, or the application of a provision of this subtitle to any person or circumstance, is held by a court of competent jurisdiction to be invalid, that judgment—

(1) shall not affect, impair, or invalidate—

(A) any other provision of this subtitle; or

(B) the application of this subtitle to any other person or circumstance; and

(2) shall be confined in its operation to—

(A) the provision of this subtitle with respect to which the judgment is rendered; or

(B) the application of the provision of this subtitle to each person or circumstance directly involved in the controversy in which the judgment is rendered.

SEC. 4257. EXECUTIVE ORDER 11625.

The powers and duties of the Agency shall be determined—

(1) in accordance with this subtitle and the requirements of this subtitle; and

(2) without regard to Executive Order 11625 (36 Fed Reg. 19967; relating to prescribing additional arrangements for developing and coordinating a national program for minority business enterprise).

SEC. 4258. AMENDMENT TO THE FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

Section 7104(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644a(c)) is amended by striking paragraph (2) and inserting the following:

''(2) The Assistant Secretary of Commerce for Minority Business Development.''.

Subtitle C—PRIME Program

SEC. 4301. FUNDING FOR PRIME PROGRAM.

Out of any money in the Treasury not otherwise appropriated, there are appropriated, for each of fiscal years 2021 and 2022, to the Administrator of the Small Business Administration, $15,000,000 to carry out the PRIME Act (15 U.S.C. 6901 et seq.).

Subtitle D—Providing Real Opportunities for Growth to Rising Entrepreneurs for Sustained Success

SEC. 4401. ANGEL INVESTOR TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 45U. ANGEL INVESTOR TAX CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the angel investor credit determined under this section for any taxable year is an amount equal to the sum of the credit amounts determined for the taxable year for all qualified investments of the taxpayer.

''(b) CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'credit amount' means, with respect to any qualified investment in a qualifying business entity, the lesser of—

''(A) 10 percent of the amount of the qualified investment determined under subsection (c)(3) for the taxable year, or

''(B) an amount equal to—

''(i) 50 percent of such qualified investment, reduced (but not below zero) by

''(ii) the amount of the credit determined under this section with respect to such qualified investment of the taxpayer for all preceding taxable years.

''(2) OVERALL DOLLAR LIMITATION.—

''(A) IN GENERAL.—The credit amount determined under paragraph (1) with respect to any qualified investment of a taxpayer in a qualifying business entity for any taxable year shall not exceed the lesser of—

''(i) $10,000 (as increased for the taxable year by the cost-of-living adjustment under subsection (e)(2)), or

''(ii) an amount equal to—

''(I) an amount equal to 5 times the amount under clause (i) for the taxable year, reduced (but not below zero) by

''(II) the amount of the credit determined under this section with respect to such qualified investment of the taxpayer for all preceding taxable years.

''(B) NO CREDIT AMOUNT BY REASON OF COST-OF-LIVING ADJUSTMENT AFTER OVERALL LIMIT FIRST REACHED.—No credit amount shall be determined under this section with respect to any qualified investment of a taxpayer in a qualifying business entity for any taxable year after the first taxable year for which the amount determined under subclause (II) of subparagraph (A)(ii) equals or exceeds the amount determined under subclause (I) of such subparagraph.

''(3) REDUCTION IN CREDIT AMOUNT WHERE LOAN RATE EXCEEDS PRIME RATE.—

''(A) IN GENERAL.—If—

''(i) the rate of interest (expressed as an annual percentage rate) on a qualified investment which is a qualifying loan, exceeds

''(ii) the bank prime rate as of the first day of the month in which the loan is entered into (or such other time as the Secretary may specify),

then each of the amounts determined under subparagraphs (A) and (B)(i) of paragraph (1) shall be reduced (but not below zero) by the amount which bears the same ratio to such amount as the number of full percentage points by which such rate of interest exceeds such bank prime rate bears to 25.

''(B) SPECIAL RULES WHERE QUALIFYING LOANS TREATED AS PART OF SINGLE INVESTMENT.—If 1 or more qualifying loans to which subparagraph (A) applies are treated as part of a single qualified investment under subsection (c)(1), then, for purposes of this subsection—

''(i) the credit amount under paragraph (1) for such single qualified investment shall be the sum of such credit amounts computed separately for each such qualifying loan and such credit amount computed for all other qualified investments treated as part of such single qualified investment, and

''(ii) the limitation under paragraph (2) shall be applied to such sum.

''(C) RULES RELATING TO INTEREST RATES.—

''(i) ANNUAL PERCENTAGE RATE.—The Secretary shall prescribe guidance or regulations for the calculation of the annual percentage rate of interest on a loan for purposes of subparagraph (A)(i), including rules which provide for—

''(I) the calculation of the annual percentage rate in cases where there is a variable rate of interest,

''(II) the recalculation of the annual percentage rate where the terms of the loan are modified after the loan is entered into, and

''(III) the proper taking into account of lump sum payments, orientation and application fees, closing fees, invoice discounting fees, and any other loan fees.

''(ii) BANK PRIME RATE.—For purposes of subparagraph (A)(ii), the term 'bank prime rate' means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

''(4) SPECIAL RULES FOR PASS-THRU ENTITIES.—For purposes of this subsection, if a qualified investment in a qualifying business entity is made by a partnership, trust, S corporation, or other pass-thru entity, the limitations under this subsection with respect to the qualified investment shall apply at the partnership or other entity level and not at the partner or similar level.

''(c) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified investment' means, with respect to any qualifying business entity, either of the following of the taxpayer:

''(A) The direct or indirect acquisition of stock, or a capital interest, in the entity at its original issue solely in exchange for cash.

''(B) A qualifying loan made to the entity.

If a taxpayer has or had more than 1 qualified investment in any qualifying business entity for the taxable year or any prior taxable year, all such investments shall be treated as a single qualified investment for purposes of applying this section.

''(2) EXCEPTION FOR INVESTMENTS MADE BY QUALIFIED ACTIVE INVESTORS AND RELATED PERSONS.—Such term shall not include any acquisition or loan made by a taxpayer who, immediately before the acquisition or loan, is a qualified active investor in the qualifying business entity or is related to any qualified active investor.

''(3) AMOUNT OF QUALIFIED INVESTMENT.—The amount of a taxpayer's qualified investment with respect to any qualifying business entity for any taxable year shall be the monthly average for months ending within the taxable year of—

''(A) the taxpayer's aggregate unadjusted bases in all stock or interests described in paragraph (1)(A) as of the close of each such month, and

''(B) the aggregate outstanding principal amount of all qualified loans described in paragraph (1)(B) as of the close of each such month.

''(4) SPECIAL RULES FOR TRANSFERS OF QUALIFYING LOANS.—

''(A) IN GENERAL.—If a taxpayer sells, exchanges, or otherwise transfers all or any portion of a qualifying loan which is a qualified investment in a qualifying business entity, such investment shall be treated as a qualified investment in the hands of the transferee (and not of the transferor) for periods after the transfer. This paragraph shall also apply to any subsequent transfer of such interest.

''(B) COORDINATION OF LIMITS.—In applying subsection (b) to any qualifying loan treated as a qualified investment of a transferee under this paragraph—

''(i) all credits determined under this section for any periods before the transfer with respect to the qualified investment of any prior holder of such investment shall be taken into account under paragraphs (1)(B)(ii) and (2)(A)(ii)(II) of such subsection in the same manner as if such credits were determined for the transferee for prior taxable years, and

''(ii) if only a portion of the qualified investment was transferred, the amount taken into account under such paragraphs by reason of clause (i) shall be ratably reduced to reflect only the portion so transferred.

''(d) QUALIFYING BUSINESS ENTITY.—For purposes of this section—

''(1) DEFINITION.—

''(A) IN GENERAL.—The term 'qualifying business entity' means, with respect to any qualified investment, any entity which is engaged in the active conduct of 1 or more trades or businesses and with respect to which—

''(i) the qualified active investor ownership requirements of paragraph (2) are met immediately before and after the qualified investment,

''(ii) the wage requirements of paragraph (3) are met, and

''(iii) the certification requirements of paragraph (4) are met.

''(B) ENTITIES UNDER COMMON CONTROL.—For purposes of this section, all qualifying business entities treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single qualifying business entity.

''(2) QUALIFIED ACTIVE INVESTOR OWNERSHIP REQUIREMENTS.—The requirements of this paragraph are met with respect to any entity if qualified active investors own directly or indirectly—

''(A) in the case of a corporation, more than 50 percent (by vote and value) of the stock in the corporation, and

''(B) in the case of any other entity, more than 50 percent of the capital or profits interests in the entity.

''(3) WAGE REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to any entity if the entity, during the taxable year of the entity preceding the taxable year in which the qualified investment is made—

''(i) employed at least 1 full-time employee, or employees constituting a full-time equivalent employee, in 1 or more trades or businesses actively conducted by the entity, and

''(ii) paid W–2 wages to such employee or employees with respect to such employment.

''(B) CERTAIN WAGES NOT TAKEN INTO ACCOUNT.—W–2 wages shall not be taken into account under subparagraph (A) if paid by an entity to an employee, and such employee shall not be taken into account under subparagraph (A)(i), during any period the employee is—

''(i) a qualified active investor, or

''(ii) an employee other than a qualified active investor who is a 5-percent owner (as defined in section 416(i)(1)(B)(i)) of the entity.

''(C) W–2 WAGES.—The term 'W–2 wages' means, with respect to any entity, the amounts described in paragraphs (3) and (8) of section 6051(a) paid by the entity with respect to employment of employees by the entity. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.

''(D) FULL-TIME EMPLOYEES AND EQUIVALENTS.—For purposes of this paragraph—

''(i) the term 'full-time employee' has the meaning given to such term by section 4980H(c)(4), and

''(ii) the determination of the number of employees constituting a full-time equivalent shall be made in the same manner as under section 4980H(c)(2)(E).

''(4) CERTIFICATION REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to any entity if the entity certifies, in such form and manner and at such time as the Secretary may prescribe, that, at the time of the qualified investment, the entity—

''(i) is engaged in the active conduct of 1 or more trades or businesses, and

''(ii) meets the requirements of paragraphs (2) and (3) to be treated as a qualifying business entity.

''(B) CERTIFICATION PROVIDED TO INVESTORS AND SECRETARY.—An entity shall—

''(i) provide the certification under subparagraph (A) to the person making the qualified investment at the time such investment is made, and

''(ii) include such certification, and the names, addresses, and taxpayer identification numbers of the entity's qualified active investors and the persons making the qualified investment, with its return of tax for the taxable year which includes the date of the qualified investment.

''(C) CERTIFICATION INCLUDED WITH RETURN CLAIMING CREDIT.—No credit shall be determined under subsection (a) with respect to any taxpayer making a qualified investment in a qualifying business entity unless the taxpayer includes the certification under subparagraph (A) with respect to the investment with its return of tax for any taxable year for which such credit is being claimed.

''(D) TIMELY FILED RETURN REQUIRED.—The requirements of subparagraph (B)(ii) or (C) shall be treated as met only if the return described in such subparagraph is filed on or before its due date (including extensions).

''(5) QUALIFIED ACTIVE INVESTOR.—

''(A) IN GENERAL.—The term 'qualified active investor' means, with respect to any entity, an individual who—

''(i) is a citizen or resident of the United States,

''(ii) materially participates (within the meaning of section 469(h)) in 1 or more trades or businesses actively conducted by the entity,

''(iii) holds stock, or a capital or profits interest, in the entity, and

''(iv) meets the income requirements of subparagraph (B).

''(B) INCOME REQUIREMENTS.—The requirements of this subparagraph are met with respect to an individual if the average annual taxable income of the individual for the 3 taxable years of the individual immediately preceding the taxable year in which the qualified investment is made does not exceed the applicable amount.

''(C) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means, with respect to any taxable year in which a qualified investment is made—

''(i) in the case of an individual not described in clause (ii), $100,000 (as increased for the taxable year by the cost-of-living adjustment under subsection (e)(2)), and

''(ii) in the case of an individual who is a married individual filing a joint return or who is a head of household (as defined in section 2(b)) for the taxable year, an amount equal to 2 times the amount in effect under clause (i) for the taxable year.

''(D) RULES FOR DETERMINING AVERAGE TAXABLE INCOME.—For purposes of this paragraph—

''(i) a married individual filing a separate return of tax for any taxable year shall include the taxable income of their spouse in computing the individual's average taxable income for any period unless the Secretary determines that the spouse's information is not available to the individual, and

''(ii) the Secretary shall prescribe rules for the determination of average taxable income in cases where the individual had different filing statuses for the 3 taxable years described in subparagraph (B).

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) RELATED PERSONS.—A person shall be treated as related to another person if the person bears a relationship to such other person described in section 267(b), except that section 267(b) shall be applied by substituting '5 percent' for '50 percent' each place it appears.

''(2) COST-OF-LIVING ADJUSTMENTS.—In the case of any taxable year beginning after 2021, the $10,000 amount under subsection (b)(2)(A)(i) and the $100,000 amount under subsection (d)(5)(C)(i) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase in such $10,000 amount is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100 and if any increase in such $100,000 amount is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(3) RULES RELATING TO ENTITIES.—

''(A) SOLE PROPRIETORSHIPS.—If a taxpayer carries on 1 or more trades or businesses as sole proprietorships, all such trades or businesses shall be treated as a single entity for purposes of applying this section.

''(B) APPLICATION TO DISREGARDED ENTITIES.—In the case of any entity with a single owner which is disregarded as an entity separate from its owner for purposes of this title, this section shall be applied in the same manner as if such entity were a corporation.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the provisions of this section.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end the following new paragraph:

''(34) the angel investor credit determined under section 45U(a).''.

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of such Code is amended by redesignating clauses (x), (xi), and (xii) as clauses (xi), (xii), and (xiii), respectively, and by inserting after clause (ix) the following new clause:

''(x) the credit determined under section 45U,''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45U. Angel investor tax credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified investments made in taxable years beginning after December 31, 2020.

SEC. 4402. FIRST EMPLOYEE BUSINESS WAGE CREDIT.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 4401, is amended by adding at the end the following new section:

''SEC. 45V. FIRST EMPLOYEE BUSINESS WAGE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, in the case of a qualifying business entity, the first employee business wage credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified wages of the entity for the taxable year.

''(b) DOLLAR LIMITATIONS.—

''(1) IN GENERAL.—The amount of the credit determined under subsection (a) with respect to any qualifying business entity for any taxable year shall not exceed the lesser of—

''(A) $10,000 (as increased for the taxable year by the cost-of-living adjustment under subsection (f)), or

''(B) the excess (if any) of—

''(i) an amount equal to 4 times the amount under subparagraph (A) for the taxable year, over

''(ii) the amount of the credit determined under this section with respect to such entity for all preceding taxable years.

''(2) NO CREDIT BY REASON OF COST-OF-LIVING ADJUSTMENT AFTER OVERALL LIMIT FIRST REACHED.—No credit shall be determined under this section with respect to any qualifying business entity for any taxable year after the first taxable year for which the amount determined under clause (ii) of paragraph (1)(B) equals or exceeds the amount determined under clause (i) of such paragraph.

''(3) PASS-THRU ENTITIES.—If a qualifying business entity is a partnership, trust, S corporation, or other pass-thru entity, the limitations under this subsection shall apply at the partnership or other entity level and not at the partner or similar level.

''(c) QUALIFIED WAGES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified wages' means, with respect to any qualifying business entity, the amount of W–2 wages paid or incurred during any eligible taxable year to employees for services performed in connection with the active conduct of a trade or business by the entity.

''(2) EXCEPTION FOR QUALIFIED ACTIVE INVESTORS AND 5-PERCENT OWNER-EMPLOYEES.—W–2 wages shall not be taken into account under paragraph (1) if paid by an entity to an employee, and such employee shall not be taken into account under paragraph (3)(A), during any period the employee is—

''(A) a qualified active investor, or

''(B) an employee other than a qualified active investor who is a 5-percent owner (as defined in section 416(i)(1)(B)(i)) of the entity.

''(3) ELIGIBLE TAXABLE YEAR.—

''(A) IN GENERAL.—The term 'eligible taxable year' means any taxable year of a qualifying business entity—

''(i) which occurs during the period—

''(I) beginning with the first taxable year of the entity in which the entity employed at least 1 full-time employee (or employees constituting a full-time equivalent employee) in 1 or more trades or businesses actively conducted by the entity during the taxable year and paid W–2 wages to such employee or employees with respect to such employment, and

''(II) ending with the last taxable year for which a credit may be determined for the entity under this section by reason of the limitation under subsection (b)(2), and

''(ii) in the case of a taxable year other than the first taxable year described in clause (i)(I), with respect to which the entity meets the employment and wage requirements of such clause.

Such term shall not include any taxable year during such a period if the first taxable year described in clause (i)(I) of the entity (or any predecessor) begins before January 1, 2021.

''(B) W–2 WAGES; FULL-TIME EMPLOYEES.—For purposes of this subsection, W–2 wages, full-time employees, and full-time employee equivalents shall be determined in the same manner as under section 45U.

''(d) QUALIFYING BUSINESS ENTITY.—For purposes of this section—

''(1) QUALIFYING BUSINESS ENTITY DEFINED.—

''(A) IN GENERAL.—The term 'qualifying business entity' means, with respect to any taxable year for which a credit under this section is being determined, any entity—

''(i) which is engaged in the active conduct of 1 or more trades or businesses,

''(ii) with respect to which the qualified active investor ownership requirements of paragraph (2) of section 45U(d) are met as of the close of such taxable year (rather than immediately before and after the qualified investment), and

''(iii) with respect to which the certification requirements of paragraph (2) are met.

''(B) ENTITIES UNDER COMMON CONTROL.—For purposes of this section—

''(i) IN GENERAL.—All qualifying business entities treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single qualifying business entity.

''(ii) ALLOCATION OF CREDIT.—Except as provided in regulations, the credit under this section shall be allocated among the entities comprising the single entity described in clause (i) in proportion to the qualified wages of each such entity taken into account under subsection (a).

''(2) CERTIFICATION REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met with respect to any entity for any taxable year described in paragraph (1) if the entity certifies, in such form and manner and at such time as the Secretary may prescribe, that the entity meets the requirements described in clauses (i) and (ii) of paragraph (1)(A).

''(B) CERTIFICATION PROVIDED TO SECRETARY.—An entity shall include the certification under subparagraph (A), and the names, addresses, and taxpayer identification numbers of the entity's qualified active investors (and employees who are 5-percent owners described in subsection (c)(2)(B)), with its return of tax for the taxable year to which the certification relates. The requirement of this subparagraph is met only if such return is filed before its due date (including extensions).

''(3) QUALIFIED ACTIVE INVESTOR.—For purposes of this section (including applying the requirements of paragraph (2) of section 45U(d) for purposes of paragraph (1)(A)(ii)), the term 'qualified active investor' has the same meaning given such term by section 45U(d)(5), except that such section shall be applied separately for each taxable year described in paragraph (1) (rather than the taxable year of the qualified investment).

''(e) ELECTION TO APPLY CREDIT AGAINST PAYROLL TAXES.—

''(1) IN GENERAL.—At the election of a qualifying business entity, section 3111(g) shall apply to the payroll tax credit portion of the credit otherwise determined under subsection (a) for the taxable year and such portion shall not be treated (other than for purposes of section 280C) as a credit determined under subsection (a).

''(2) PAYROLL TAX CREDIT PORTION.—For purposes of this subsection, the payroll tax credit portion of the credit determined under subsection (a) with respect to any qualifying business entity for any taxable year is the least of—

''(A) the amount specified in the election made under this subsection,

''(B) the credit determined under subsection (a) for the taxable year (determined before the application of this subsection), or

''(C) in the case of a qualifying business entity other than a partnership, estate, S corporation or other pass-thru entity, the amount of the business credit carryforward under section 39 carried from the taxable year (determined before the application of this subsection to the taxable year).

''(3) ELECTION.—

''(A) IN GENERAL.—Any election under this subsection for any taxable year—

''(i) shall specify the amount of the credit to which such election applies,

''(ii) shall be made on or before the due date (including extensions) of the return for the taxable year, and

''(iii) may be revoked only with the consent of the Secretary.

''(B) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, estate, S corporation, or other pass-thru entity, the election made under this subsection shall be made at the entity level.

''(f) COST-OF-LIVING ADJUSTMENTS.—In the case of any taxable year beginning after 2021, the $10,000 amount under subsection (b)(1)(A) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2020' for '2016' in subparagraph (A)(ii) thereof.

If any increase in such amount is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.

''(g) OTHER RULES.—For purposes of this section—

''(1) RULES RELATING TO ENTITIES.—Rules similar to the rules of section 45U(e)(3) shall apply.

''(2) ELECTION NOT TO HAVE CREDIT APPLY.—

''(A) IN GENERAL.—A taxpayer may elect not to have this section apply for any taxable year.

''(B) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this paragraph.

''(3) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carrying out the provisions of this section, including regulations—

''(1) preventing the avoidance of the limitations under this section in cases in which there is a successor or new qualified business entity with respect to the same trade or business for which a predecessor qualified business entity already claimed the credit under this section,

''(2) to minimize compliance and recordkeeping burdens under the provisions of this section, and

''(3) for recapturing the benefit of credits determined under section 3111(g) in cases where there is a recapture or a subsequent adjustment to the payroll tax credit portion of the credit determined under subsection (a), including requiring amended income tax returns in the cases where there is such an adjustment.''.

(2) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code, as amended by section 4401, is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting '', plus'', and by adding at the end the following new paragraph:

''(35) the first employee business wage credit determined under section 45V(a).''.

(3) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of such Code, as amended by section 4401, is amended by redesignating clauses (xi), (xii), and (xiii) as clauses (xii), (xiii), and (xiv), respectively, and by inserting after clause (x) the following new clause:

''(xi) the credit determined under section 45V,''.

(4) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code, as amended by section 4401, is amended by adding at the end the following new item:

''Sec. 45V. First employee business wage credit.''.

(b) PAYROLL TAX CREDIT.—Section 3111 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) CREDIT FOR FIRST EMPLOYEE BUSINESS WAGE EXPENSES.—

''(1) IN GENERAL.—In the case of a taxpayer who has made an election under section 45V(e) for a taxable year, there shall be allowed as a credit against the tax imposed by subsection (a) for the first calendar quarter

which begins after the date on which the taxpayer files the return for the taxable year an amount equal to the payroll tax credit portion determined under section 45V(e)(2).

''(2) LIMITATION.—The credit allowed by paragraph (1) shall not exceed the tax imposed by subsection (a) for any calendar quarter on the wages paid with respect to the employment of all individuals in the employ of the employer.

''(3) CARRYOVER OF UNUSED CREDIT.—If the amount of the credit under paragraph (1) exceeds the limitation of paragraph (2) for any calendar quarter, such excess shall be carried to the succeeding calendar quarter and allowed as a credit under paragraph (1) for such quarter.

''(4) DEDUCTION ALLOWED FOR CREDITED AMOUNTS.—Notwithstanding section 280C(a), the credit allowed under paragraph (1) shall not be taken into account for purposes of determining the amount of any deduction allowed under chapter 1 for taxes imposed under subsection (a).''.

(c) COORDINATION WITH DEDUCTIONS AND OTHER CREDITS.—

(1) DEDUCTIONS.—Section 280C(a) of the Internal Revenue Code of 1986 is amended by inserting ''45V(a),'' after ''45S(a),''.

(2) OTHER CREDITS.—

(A) Section 41(b)(2)(D) of such Code is amended by adding at the end the following:

''(iv) EXCLUSION FOR WAGES TO WHICH FIRST EMPLOYEE WAGE CREDIT APPLIES.—The term 'wages' shall not include any amount taken into account in determining the credit under section 45V.''.

(B) Section 45A(b)(1) of such Code is amended by adding at the end the following:

''(C) COORDINATION WITH FIRST EMPLOYEE WAGE CREDIT.—The term 'qualified wages' shall not include wages if any portion of such wages is taken into account in determining the credit under section 45V.''.

(C) Section 1396(c)(3) of such Code is amended—

(i) by striking ''section 51'' each place it appears and inserting ''section 45V or 51'', and

(ii) by inserting ''AND FIRST EMPLOYEE WAGE'' after ''OPPORTUNITY'' in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

Subtitle E—Community Development Investment

SEC. 4501. SHORT TITLE.

This subtitle may be cited as the ''Jobs and Neighborhood Investment Act''.

SEC. 4502. PURPOSE.

The purpose of this subtitle is to—

(1) establish programs to revitalize and provide long-term financial products and service availability for, and provide investments in, low- and moderate-income and minority communities;

(2) respond to the unprecedented loss of Black-owned businesses and unemployment; and

(3) otherwise enhance the stability, safety and soundness of community financial institutions that support low- and moderate-income and minority communities.

SEC. 4503. CONSIDERATIONS; REQUIREMENTS FOR CREDITORS.

(a) IN GENERAL.—In exercising the authorities under this subtitle and the amendments made by this subtitle, the Secretary of the Treasury shall take into consideration—

(1) increasing the availability of affordable credit for consumers, small businesses, and nonprofit organizations, including for projects supporting affordable housing, community-serving real estate, and other projects, that provide direct benefits to low- and moderate-income communities, low-income and underserved individuals, and minorities;

(2) providing funding to minority-owned or minority-led eligible institutions and other eligible institutions that have a strong track record of serving minority small businesses;

(3) protecting and increasing jobs in the United States;

(4) increasing the opportunity for small business, affordable housing and community development in geographic areas and demographic segments with poverty and high unemployment rates that exceed the average in the United States;

(5) ensuring that all low- and moderate-income community financial institutions may apply to participate in the programs established under this subtitle and the amendments made by this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle and the amendments made by this subtitle;

(7) promoting and engaging in financial education to would-be borrowers; and

(8) providing funding to eligible institutions that serve consumers, small businesses, and nonprofit organizations to support affordable housing, community-serving real estate, and other projects that provide direct benefits to low- and moderate-income communities, low-income individuals, and minorities directly affected by the COVID–19 pandemic.

(b) REQUIREMENT FOR CREDITORS.—Any creditor participating in a program established under this subtitle or the amendments made by this subtitle shall fully comply with all applicable statutory and regulatory requirements relating to fair lending.

SEC. 4504. SENSE OF CONGRESS.

The following is the sense of Congress:

(1) The Department of the Treasury, Board of Governors of the Federal Reserve System, Small Business Administration, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, National Credit Union Administration, and other Federal agencies should take steps to support, engage with, and utilize minority depository institutions and community development financial institutions in the near term, especially as they carry out programs to respond to the COVID–19 pandemic, and the long term.

(2) The Board of Governors of the Federal Reserve System should, consistent with its mandates, work to increase lending by minority depository institutions and community development financial institutions to underserved communities, and when appropriate, should work with the Department of the Treasury to increase lending by minority depository institutions and community development financial institutions to underserved communities.

(3) The Department of the Treasury and prudential regulators should establish a strategic plan identifying concrete steps that they can take to support existing minority depository institutions, as well as the formation of new minority depository institutions consistent with the goals established in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 to preserve and promote minority depository institutions.

(4) Congress should increase funding and make other enhancements, including those provided by this legislation, to enhance the effectiveness of the CDFI Fund, especially reforms to support minority-owned and minority led CDFIs in times of crisis and beyond.

(5) Congress should conduct robust and ongoing oversight of the Department of the Treasury, CDFI Fund, Federal prudential regulators, SBA, and other Federal agencies to ensure they fulfill their obligations under the law as well as implement this title and other laws in a manner that supports and fully utilizes minority depository institutions and community development financial intuitions, as appropriate.

(6) The investments made by the Secretary of the Treasury under this subtitle and the amendments made by this subtitle should be designed to maximize the benefit to low- and moderate-income and minority communities and contemplate losses to capital of the Treasury.

SEC. 4505. NEIGHBORHOOD CAPITAL INVESTMENT PROGRAM.

Title IV of the CARES Act (15 U.S.C. 9041 et seq.) is amended—

(1) in section 4002 (15 U.S.C. 9041)—

(A) by redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively; and

(B) by inserting after paragraph (6) the following:

''(7) LOW- AND MODERATE-INCOME COMMUNITY FINANCIAL INSTITUTION.—The term 'low- and moderate-income community financial institution' means any financial institution that is—

''(A) a community development financial institution, as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702); or

''(B) a minority depository institution.

''(8) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution'—

''(A) has the meaning given that term under section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note);

''(B) means an entity considered to be a minority depository institution by—

''(i) the appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act(12 U.S.C. 1813); or

''(ii) the National Credit Union Administration, in the case of an insured credit union; and

''(C) means an entity listed in the Federal Deposit Insurance Corporation's Minority Depository Institutions List published for the Second Quarter 2020.'';

(2) in section 4003 (15 U.S.C. 9042), by adding at the end the following:

''(i) NEIGHBORHOOD CAPITAL INVESTMENT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'community development financial institution' has the meaning given the term in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);

''(B) the term 'Fund' means the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a));

''(C) the term 'minority' means any Black American, Native American, Hispanic American, or Asian American;

''(D) the term 'Program' means the Neighborhood Capital Investment Program established under paragraph (2); and

''(E) the 'Secretary' means the Secretary of the Treasury.

''(2) ESTABLISHMENT.—The Secretary of the Treasury shall establish a Neighborhood Capital Investment Program to support the efforts of low- and moderate-income community financial institutions to, among other things, provide loans and forbearance for small businesses, minority-owned businesses, and consumers, especially in low-income and underserved communities, by providing direct capital investments in low- and moderate-income community financial institutions.

''(3) APPLICATION.—

''(A) ACCEPTANCE.—The Secretary shall begin accepting applications for capital investments under the Program not later than the end of the 30-day period beginning on the date of enactment of this subsection, with priority in distribution given to low- and moderate-income community financial institutions that are minority lending institutions, as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

''(B) REQUIREMENT TO PROVIDE A NEIGHBORHOOD INVESTMENT LENDING PLAN.—

''(i) IN GENERAL.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall provide the Secretary, along with the appropriate Federal banking agency, an investment and lending plan that—

''(I) demonstrates that not less than 30 percent of the lending of the applicant over the past 2 fiscal years was made directly to low- and moderate income borrowers, to borrowers that create direct benefits for low- and moderate-income populations, to other targeted populations as defined by the Fund, or any combination thereof, as measured by the total number and dollar amount of loans;

''(II) describes how the business strategy and operating goals of the applicant will address community development needs, which includes the needs of small businesses, consumers, nonprofit organizations, community development, and other projects providing direct benefits to low- and moderate-income communities, low-income individuals, and minorities within the minority, rural, and urban low-income and underserved areas served by the applicant;

''(III) includes a plan to provide linguistically and culturally appropriate outreach, where appropriate;

''(IV) includes an attestation by the applicant that the applicant does not own, service, or offer any financial products at an annual percentage rate of more than 36 percent interest, as defined in section 987(i)(4) of title 10, United States Code, and is compliant with State interest rate laws; and

''(V) includes details on how the applicant plans to expand or maintain significant lending or investment activity in low- or moderate-income minority communities, to historically disadvantaged borrowers, and to minorities that have significant unmet capital or financial services needs.

''(ii) COMMUNITY DEVELOPMENT LOAN FUNDS.—An applicant that is not an insured community development financial institution or otherwise regulated by a Federal financial regulator shall submit the plan described in clause (i) only to the Secretary.

''(iii) DOCUMENTATION.—In the case of an applicant that is certified as a community development financial institution as of the date of enactment of this subsection, for purposes of clause (i)(I), the Secretary may rely on documentation submitted the Fund as part of certification compliance reporting.

''(4) INCENTIVES TO INCREASE LENDING AND PROVIDE AFFORDABLE CREDIT.—

''(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENT.—Any financial instrument issued to Treasury by a low- and moderate-income community financial institution under the Program shall provide the following:

''(i) No dividends, interest or other payments shall exceed 2 percent per annum.

''(ii) After the first 24 months from the date of the capital investment under the Program, annual payments may be required, as determined by the Secretary and in accordance with this section, and adjusted downward based on the amount of affordable credit provided by the low- and moderate-income community financial institution to borrowers in minority, rural, and urban low-income and underserved communities.

''(iii) During any calendar quarter after the initial 24-month period referred to in clause (ii), the annual payment rate of a low- and moderate-income community financial institution shall be adjusted downward to reflect the following schedule, based on lending by the institution relative to the baseline period:

''(I) If the institution in the most recent annual period prior to the investment provides significant lending or investment activity in low- or moderate-income minority communities, historically disadvantaged borrowers, and to minorities that have significant unmet capital or financial services, the annual payment rate shall not exceed 0.5 percent per annum.

''(II) If the amount of lending within minority, rural, and urban low-income and underserved communities and to low- and moderate-income borrowers has increased dollar for dollar based on the amount of the capital investment, the annual payment rate shall not exceed 1 percent per annum.

''(III) If the amount of lending within minority, rural, and urban low-income and underserved communities and to low- and moderate-income borrowers has increased by twice the amount of the capital investment, the annual payment rate shall not exceed 0.5 percent per annum.

''(B) CONTINGENCY OF PAYMENTS BASED ON CERTAIN FINANCIAL CRITERIA.—

''(i) DEFERRAL.—Any annual payments under this subsection shall be deferred in any quarter or payment period if any of the following is true:

''(I) The low- and moderate-income community institution fails to meet the Tier 1 capital ratio or similar ratio as determined by the Secretary.

''(II) The low- and moderate-income community financial institution fails to achieve positive net income for the quarter or payment period.

''(III) The low- and moderate-income community financial institution determines that the payment would be detrimental to the financial health of the institution.

''(ii) TESTING DURING NEXT PAYMENT PERIOD.—Any deferred annual payment under this subsection shall be tested against the metrics described in clause (i) at the beginning of the next payment period, and such payments shall continue to be deferred until the metrics described in that clause are no longer applicable.

''(5) RESTRICTIONS.—

''(A) IN GENERAL.—Each low- and moderate-income community financial institution may only issue financial instruments or senior preferred stock under this subsection with an aggregate principal amount that is—

''(i) not more than 15 percent of risk-weighted assets for an institution with assets of more than $2,000,000,000;

''(ii) not more than 25 percent of risk-weighted assets for an institution with assets of not less than $500,000,000 and not more than $2,000,000,000; and

''(iii) not more than 30 percent of risk-weighted assets for an institution with assets of less than $500,000,000.

''(B) HOLDING OF INSTRUMENTS.—Holding any instrument of a low- and moderate-income community financial institution described in subparagraph (A) shall not give the Treasury or any successor that owns the instrument any rights over the management of the institution.

''(C) SALE OF INTEREST.—With respect to a capital investment made into a low- and moderate-income community financial institution under this subsection, the Secretary—

''(i) except as provided in clause (iv), during the 10-year period following the investment, may not sell the interest of the Secretary in the capital investment to a third party;

''(ii) shall provide the low- and moderate-income community financial institution a right of first refusal to buy back the investment under terms that do not exceed a value as determined by an independent third party; and

''(iii) shall not sell more than a 5 percent ownership interest in the capital investment to a single third party; and

''(iv) with the permission of the institution, may gift or sell the interest of the Secretary in the capital investment for a de minimus amount to a mission aligned nonprofit affiliate of an applicant that is an insured community development financial institution, as defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

''(v) CALCULATION OF OWNERSHIP FOR MINORITY DEPOSITORY INSTITUTIONS.—The calculation and determination of ownership thresholds for a depository institution to qualify as a minority depository institution described in section 4002(7)(B) shall exclude any dilutive effect of equity investments by the Federal Government, including under the Program or through the Fund.

''(6) AVAILABLE AMOUNTS.—In carrying out the Program, the Secretary shall use not more than $13,000,000,000, from amounts appropriated under section 4027, of which not less than $7,000,000,000 shall be used for direct capital investments under the Program.

''(7) TREATMENT OF CAPITAL INVESTMENTS.—In making any capital investment under the Program, the Secretary shall ensure that the terms of the investment are designed to ensure the investment receives Tier 1 capital treatment.

''(8) OUTREACH TO MINORITIES.—The Secretary shall require low- and moderate-income community financial institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising describing the availability and application process of receiving loans made possible by the Program through organizations, trade associations, and individuals that represent or work within or are members of minority communities.

''(9) RESTRICTIONS.—

''(A) IN GENERAL.—Not later than the end of the 30-day period beginning on the date of enactment of this subsection, the Secretary of the Treasury shall issue rules setting restrictions on executive compensation, share buybacks, and dividend payments for recipients of capital investments under the Program.

''(B) RULE OF CONSTRUCTION.—The provisions of section 4019 shall apply to investments made under the Program.

''(10) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in low- and moderate-income community financial institutions, including commitments to purchase preferred stock or other instruments, provided under the Program shall terminate on the date that is 36 months after the date of enactment of this subsection.

''(11) COLLECTION OF DATA.—Notwithstanding the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.)—

''(A) any low- and moderate-income community financial institution may collect data described in section 701(a)(1) of that Act (15 U.S.C. 1691(a)(1)) from borrowers and applicants for credit for the purpose of monitoring compliance under the plan required under paragraph (4)(B); and

''(B) a low- and moderate-income community financial institution that collects the data described in subparagraph (A) shall not be subject to adverse action related to that collection by the Bureau of Consumer Financial Protection or any other Federal agency.

''(12) DEPOSIT OF FUNDS.—All funds received by the Secretary in connection with purchases made pursuant this subsection, including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be deposited into the Fund and used to provide financial and technical assistance pursuant to section 108 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4707), except that subsection (e) of that section shall be waived.

''(13) EQUITY EQUIVALENT INVESTMENT OPTION.—

''(A) IN GENERAL.—The Secretary shall establish an Equity Equivalent Investment Option, under which, with respect to a specific investment in a low- and moderate-income community financial institution—

''(i) 80 percent of such investment is made by the Secretary under the Program; and

''(ii) 20 percent of such investment if made by a banking institution.

''(B) REQUIREMENT TO FOLLOW SIMILAR TERMS AND CONDITIONS.—The terms and conditions applicable to investments made by the Secretary under the Program shall apply to any investment made by a banking institution under this paragraph.

''(C) LIMITATIONS.—The amount of a specific investment described under subparagraph (A) may not exceed $10,000,000, but the receipt of an investment under subparagraph (A) shall not preclude the recipient from being eligible for other assistance under the Program.

''(D) BANKING INSTITUTION DEFINED.—In this paragraph, the term 'banking institution' means any entity with respect to which there is an appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(j) APPLICATION OF THE MILITARY LENDING ACT.—

''(1) IN GENERAL.—No low- and moderate-income community financial institution that receives an equity investment under subsection (i) shall, for so long as the investment or participation continues, make any loan at an annualized percentage rate above 36 percent, as determined in accordance with section 987(b) of title 10, United States Code (commonly known as the 'Military Lending Act)'.

''(2) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 105(f) of the Truth in Lending Act (15 U.S.C. 1604(f)) shall not apply with respect to this subsection.''.

SEC. 4506. EMERGENCY SUPPORT FOR CDFIS AND COMMUNITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $4,000,000,000 for fiscal year 2021, for providing financial assistance and technical assistance under subparagraphs (A) and (B) of section 108(a)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707(a)(1)), except that subsection (d) of such section 108 shall not apply to the provision of such assistance, for the Bank Enterprise Award program, and for financial assistance, technical assistance, training, and outreach programs designed to benefit Native American, Native Hawaiian, and Alaska Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, Tribes and Tribal organizations, and other suitable providers.

(b) SET ASIDES.—Of the amounts appropriated pursuant to the authorization under subsection (a), the following amounts shall be set aside:

(1) Up to $400,000,000, to remain available until expended, to provide grants to CDFIs—

(A) to expand lending or investment activity in low- or moderate-income minority communities and to minorities that have significant unmet capital or financial services needs, of which not less than $10,000,000 may be for grants to benefit Native American, Native Hawaiian, and Alaska Native communities; and

(B) using a formula that takes into account criteria such as certification status, financial and compliance performance, portfolio and balance sheet strength, a diversity of CDFI business model types, and program capacity, as well as experience making loans and investments to those areas and populations identified in this paragraph.

(2) Up to $160,000,000, to remain available until expended, for technical assistance, technology, and training under sections 108(a)(1)(B) and 109, respectively, of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707(a)(1)(B), 4708), with a preference for minority lending institutions.

(3) Up to $800,000,000, to remain available until expended, shall be for providing financial assistance, technical assistance, awards, training, and outreach programs described under subsection (a) to recipients that are minority lending institutions.

(c) ADMINISTRATIVE EXPENSES.—Funds appropriated pursuant to the authorization under subsection (a) may be used for administrative expenses, including administration of Fund programs and the New Markets Tax Credit Program under section 45D of the Internal Revenue Code of 1986.

(d) DEFINITIONS.—In this section:

(1) CDFI.—The term ''CDFI'' means a community development financial institution, as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(2) FUND.—The term ''Fund'' means the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)).

(3) MINORITY; MINORITY LENDING INSTITUTION.—The terms ''minority'' and ''minority lending institution'' have the meanings given those terms, respectively, under subparagraphs (A) and (B) of paragraph (22) of section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702), as added by section 4509.

SEC. 4507. ENSURING DIVERSITY IN COMMUNITY BANKING.

(a) SENSE OF CONGRESS ON FUNDING THE LOAN-LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.—The sense of Congress is the following:

(1) The Community Development Financial Institutions Fund (referred to in this subsection as the ''CDFI Fund'') is an agency of the Department of the Treasury, and was established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)). The mission of the CDFI Fund is ''to expand economic opportunity for underserved people and communities by supporting the growth and capacity of a national network of community development lenders, investors, and financial service providers''. A community development financial institution is a specialized financial institution serving low-income communities and a Community Development Entity (referred to in this subsection as a ''CDE'') is a domestic corporation or partnership that is an intermediary vehicle for the provision of loans, investments, or financial counseling in low-income communities. The CDFI Fund certifies community development financial institutions and CDEs. Becoming a certified community development financial institution or CDE allows organizations to participate in various CDFI Fund programs as follows:

(A) The Bank Enterprise Award Program, which provides FDIC-insured depository institutions awards for a demonstrated increase in lending and investments in distressed communities and community development financial institutions.

(B) The CDFI Program, which provides financial and technical assistance awards to community development financial institutions to reinvest in the CDFI Fund, and to build the capacity of the CDFI Fund, including financing product development and loan loss reserves.

(C) The Native American CDFI Assistance Program, which provides CDFIs and sponsoring entities Financial and Technical Assistance awards to increase lending and grow the number of CDFIs owned by Native Americans to help build capacity of such CDFIs.

(D) The New Market Tax Credit Program, which provides tax credits for making equity investments in CDEs that stimulate capital investments in low-income communities.

(E) The Capital Magnet Fund, which provides awards to CDFIs and nonprofit affordable housing organizations to finance affordable housing solutions and related economic development activities.

(F) The Bond Guarantee Program, a source of long-term, patient capital for CDFIs to expand lending and investment capacity for community and economic development purposes.

(2) The Department of the Treasury is authorized to create multi-year grant programs designed to encourage low-to-moderate income individuals to establish accounts at federally insured banks, and to improve low-to-moderate income individuals' access to such accounts on reasonable terms.

(3) Under this authority, grants to participants in CDFI Fund programs may be used for loan-loss reserves and to establish small-dollar loan programs by subsidizing related losses. These grants also allow for the providing recipients with the financial counseling and education necessary to conduct transactions and manage their accounts. These loans provide low-cost alternatives to payday loans and other nontraditional forms of financing that often impose excessive interest rates and fees on borrowers, and lead millions of people in the United States to fall into debt traps. Small-dollar loans can only be made pursuant to terms, conditions, and practices that are reasonable for the individual consumer obtaining the loan.

(4) Program participation is restricted to eligible institutions, which are limited to organizations listed in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under 501(a) of such Code, federally insured depository institutions, community development financial institutions and State, local, or Tribal governmental entities.

(5) Since its founding, the CDFI Fund has awarded over $3,300,000,000 to CDFIs and CDEs and has allocated $54,000,000,000 in tax credits and $1,510,000,000 in bond guarantees. According to the CDFI Fund, some programs attract as much as $10 in private capital for every $1 invested by the CDFI Fund. The Administration and Congress should prioritize appropriation of funds for the loan loss reserve fund and technical assistance programs administered by the CDFI Fund.

(b) DEFINITIONS.—In this section:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(2) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(c) ESTABLISHMENT OF IMPACT BANK DESIGNATION.—

(1) IN GENERAL.—Each Federal banking agency shall establish a program under which a depository institution with total consolidated assets of less than $10,000,000,000 may elect to be designated as an impact bank if the total dollar value of the loans extended by such depository institution to low-income borrowers is greater than or equal to 50 percent of the assets of such bank.

(2) NOTIFICATION OF ELIGIBILITY.—Based on data obtained through examinations of depository institutions, the appropriate Federal banking agency shall notify a depository institution if the institution is eligible to be designated as an impact bank.

(3) APPLICATION.—Regardless of whether a depository institution has received a notice of eligibility under paragraph (2), a depository institution may submit an application to the appropriate Federal banking agency—

(A) requesting to be designated as an impact bank; and

(B) demonstrating that the depository institution meets the applicable qualifications.

(4) LIMITATION ON ADDITIONAL DATA REQUIREMENTS.—The Federal banking agencies may only impose additional data collection requirements on a depository institution under this subsection if such data is—

(A) necessary to process an application submitted by the depository institution to be designated an impact bank; or

(B) with respect to a depository institution that is designated as an impact bank, necessary to ensure the depository institution's ongoing qualifications to maintain such designation.

(5) REMOVAL OF DESIGNATION.—If the appropriate Federal banking agency determines that a depository institution designated as an impact bank no longer meets the criteria for such designation, the appropriate Federal banking agency shall rescind the designation and notify the depository institution of such rescission.

(6) RECONSIDERATION OF DESIGNATION; APPEALS.—Under such procedures as the Federal banking agencies may establish, a depository institution may—

(A) submit to the appropriate Federal banking agency a request to reconsider a determination that such depository institution no longer meets the criteria for the designation; or

(B) file an appeal of such determination.

(7) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Federal banking agencies shall jointly issue rules to carry out the requirements of this subsection, including by providing a definition of a low-income borrower.

(8) REPORTS.—Each Federal banking agency shall submit an annual report to Congress containing a description of actions taken to carry out this subsection.

(9) FEDERAL DEPOSIT INSURANCE ACT DEFINITIONS.—In this subsection, the terms ''depository institution'', ''appropriate Federal banking agency'', and ''Federal banking agency'' have the meanings given such terms, respectively, in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(d) MINORITY DEPOSITORIES ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—Each covered regulator shall establish an advisory committee to be called the ''Minority Depositories Advisory Committee''.

(2) DUTIES.—Each Minority Depositories Advisory Committee shall provide advice to the respective covered regulator on meeting the goals established by section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) to preserve the present number of covered minority institutions, preserve the minority character of covered minority-owned institutions in cases involving mergers or acquisitions, provide technical assistance, and encourage the creation of new covered minority institutions. The scope of the work of each such Minority Depositories Advisory Committee shall include an assessment of the current condition of covered minority institutions, what regulatory changes or other steps the respective agencies may be able to take to fulfill the requirements of such section 308, and other issues of concern to covered minority institutions.

(3) MEMBERSHIP.—

(A) IN GENERAL.—Each Minority Depositories Advisory Committee shall consist of no more than 10 members, who—

(i) shall serve for 1 2-year term;

(ii) shall serve as a representative of a depository institution or an insured credit union with respect to which the respective covered regulator is the covered regulator of such depository institution or insured credit union; and

(iii) shall not receive pay by reason of their service on the advisory committee, but may receive travel or transportation expenses in accordance with section 5703 of title 5, United States Code.

(B) DIVERSITY.—To the extent practicable, each covered regulator shall ensure that the members of the Minority Depositories Advisory Committee of such agency reflect the diversity of covered minority institutions.

(4) MEETINGS.—

(A) IN GENERAL.—Each Minority Depositories Advisory Committee shall meet not less frequently than twice each year.

(B) NOTICE AND INVITATIONS.—Each Minority Depositories Advisory Committee shall—

(i) notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate in advance of each meeting of the Minority Depositories Advisory Committee; and

(ii) invite the attendance at each meeting of the Minority Depositories Advisory Committee of—

(I) one member of the majority party and one member of the minority party of the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(II) one member of the majority party and one member of the minority party of any relevant subcommittees of such committees.

(5) NO TERMINATION OF ADVISORY COMMITTEES.—The termination requirements under section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a Minority Depositories Advisory Committee established pursuant to this subsection.

(6) DEFINITIONS.—In this subsection:

(A) COVERED REGULATOR.—The term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(B) COVERED MINORITY INSTITUTION.—The term ''covered minority institution'' means a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)).

(C) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(D) INSURED CREDIT UNION.—The term ''insured credit union'' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(7) TECHNICAL AMENDMENT.—Section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended by adding at the end the following:

''(3) DEPOSITORY INSTITUTION.—The term 'depository institution' means an 'insured depository institution' (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and an insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

(e) FEDERAL DEPOSITS IN MINORITY DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(A) in subsection (b), as amended by subsection (d)(7) of this section, by adding at the end the following new paragraph:

''(4) IMPACT BANK.—The term 'impact bank' means a depository institution designated by the appropriate Federal banking agency pursuant to section 4507(c) of the Economic Justice Act.''; and

(B) by adding at the end the following:

''(d) FEDERAL DEPOSITS.—The Secretary of the Treasury shall ensure that deposits made by Federal agencies in minority depository institutions and impact banks are collateralized or insured, as determined by the Secretary. Such deposits shall include reciprocal deposits as defined in section 337.6(e)(2)(v) of title 12, Code of Federal Regulations (as in effect on March 6, 2019).''.

(2) TECHNICAL AMENDMENTS.—Section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note) is amended—

(A) in the matter preceding paragraph (1), by striking ''section—'' and inserting ''section:''; and

(B) in the paragraph heading for paragraph (1), by striking ''FINANCIAL'' and inserting ''DEPOSITORY''.

(f) MINORITY BANK DEPOSIT PROGRAM.—

(1) IN GENERAL.—Section 1204 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

''SEC. 1204. EXPANSION OF USE OF MINORITY DEPOSITORY INSTITUTIONS.

''(a) MINORITY BANK DEPOSIT PROGRAM.—

''(1) ESTABLISHMENT.—There is established a program to be known as the 'Minority Bank Deposit Program' to expand the use of minority depository institutions.

''(2) ADMINISTRATION.—The Secretary of the Treasury, acting through the Bureau of the Fiscal Service, shall—

''(A) on application by a depository institution or credit union, certify whether such depository institution or credit union is a minority depository institution;

''(B) maintain and publish a list of all depository institutions and credit unions that have been certified pursuant to subparagraph (A); and

''(C) periodically distribute the list described in subparagraph (B) to—

''(i) all Federal departments and agencies;

''(ii) interested State and local governments; and

''(iii) interested private sector companies.

''(3) INCLUSION OF CERTAIN ENTITIES ON LIST.—A depository institution or credit union that, on the date of enactment of the

Economic Justice Act, has a current certification from the Secretary of the Treasury stating that such depository institution or credit union is a minority depository institution shall be included on the list described under paragraph (2)(B).

''(b) EXPANDED USE AMONG FEDERAL DEPARTMENTS AND AGENCIES.—

''(1) IN GENERAL.—Not later than 1 year after the establishment of the program described in subsection (a), the head of each Federal department or agency shall develop and implement standards and procedures to prioritize, to the maximum extent possible as permitted by law and consistent with principles of sound financial management, the use of minority depository institutions to hold the deposits of each such department or agency.

''(2) REPORT TO CONGRESS.—Not later than 2 years after the establishment of the program described in subsection (a), and annually thereafter, the head of each Federal department or agency shall submit to Congress a report on the actions taken to increase the use of minority depository institutions to hold the deposits of each such department or agency.

''(c) DEFINITIONS.—For purposes of this section:

''(1) CREDIT UNION.—The term 'credit union' has the meaning given the term 'insured credit union' in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(3) MINORITY.—The term 'minority' means any Black American, Native American, Hispanic American, or Asian American.

''(4) MINORITY DEPOSITORY INSTITUTION.—The term 'minority depository institution' has the meaning given the term in section 308(b).''.

(2) CONFORMING AMENDMENTS.—The following provisions are amended by striking ''1204(c)(3)'' and inserting ''1204(c)'':

(A) Section 808(b)(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2907(b)(3)).

(B) Section 40(g)(1)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(g)(1)(B)).

(C) Section 704B(h)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c–2(h)(4)).

(g) DIVERSITY REPORT AND BEST PRACTICES.—

(1) ANNUAL REPORT.—Each covered regulator shall submit to Congress an annual report on diversity that includes the following:

(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of the examiners of each covered regulator, disaggregated by length of time served as an examiner.

(B) The status of any examiners of covered regulators, based on voluntary self-identification, as a veteran, as defined in section 101 of title 38, United States Code.

(C) Whether any covered regulator, as of the date on which the report required under this subsection is submitted, has adopted a policy, plan, or strategy to promote racial, ethnic, and gender diversity among examiners of the covered regulator.

(D) Whether any special training is developed and provided for examiners related specifically to working with depository institutions and credit unions, as those terms are defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note), as amended by subsection (f)(1) of this section, that serve communities that are predominantly minorities, low income, or rural, and the key focus of such training.

(2) BEST PRACTICES.—Each Office of Minority and Women Inclusion of a covered regulator shall develop, provide to the head of the covered regulator, and make publicly available best practices—

(A) for increasing the diversity of candidates applying for examiner positions, including through outreach efforts to recruit diverse candidates to apply for entry-level examiner positions; and

(B) for retaining and providing fair consideration for promotions within the examiner staff for purposes of achieving diversity among examiners.

(3) COVERED REGULATOR DEFINED.—In this subsection, the term ''covered regulator'' means the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(h) INVESTMENTS IN MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—

(1) CONTROL FOR CERTAIN INSTITUTIONS.—Section 7(j)(8)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)(8)(B)) is amended to read as follows:

''(B) 'control' means the power, directly or indirectly—

''(i) to direct the management or policies of an insured depository institution; or

''(ii)(I) to vote 25 per centum or more of any class of voting securities of an insured depository institution; or

''(II) with respect to an insured depository institution that is an impact bank (as designated pursuant to section 4507(c) of the Economic Justice Act) or a minority depository institution (as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)), of an individual to vote 30 percent or more of any class of voting securities of such an impact bank or a minority depository institution.''.

(2) RULEMAKING.—The Federal banking agencies shall jointly issue rules for de novo minority depository institutions to allow 3 years to meet the capital requirements otherwise applicable to minority depository institutions.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal banking agencies shall jointly submit to Congress a report on—

(A) the principal causes for the low number of de novo minority depository institutions during the 10-year period preceding the date of the report;

(B) the main challenges to the creation of de novo minority depository institutions; and

(C) regulatory and legislative considerations to promote the establishment of de novo minority depository institutions.

(4) DEFINITIONS.—In this subsection:

(A) FEDERAL BANKING AGENCY.—The term ''Federal banking agency'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(B) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(i) CUSTODIAL DEPOSIT PROGRAM FOR COVERED MINORITY DEPOSITORY INSTITUTIONS AND IMPACT BANKS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall issue rules establishing a custodial deposit program under which a covered bank may receive deposits from a qualifying account.

(2) REQUIREMENTS.—In issuing rules under paragraph (1), the Secretary of the Treasury shall—

(A) consult with the Federal banking agencies;

(B) ensure each covered bank participating in the program established under this subsection—

(i) has appropriate policies relating to management of assets, including measures to ensure the safety and soundness of each such covered bank; and

(ii) is compliant with applicable law; and

(C) ensure, to the extent practicable, that the rules do not conflict with goals described in section 308(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(3) LIMITATIONS.—

(A) DEPOSITS.—With respect to the funds of an individual qualifying account, an entity may not deposit an amount greater than the insured amount in a single covered bank.

(B) TOTAL DEPOSITS.—The total amount of funds deposited in a covered bank under the program described in this subsection may not exceed the lesser of—

(i) 10 percent of the average amount of deposits held by the covered bank in the previous quarter; or

(ii) $100,000,000 (as adjusted for inflation).

(4) REPORT.—Each quarter, the Secretary of the Treasury shall submit to Congress a report on the implementation of the program established under this subsection, including information identifying participating covered banks and the total amount of deposits received by covered banks under the program.

(5) DEFINITIONS.—In this subsection:

(A) APPROPRIATE FEDERAL BANKING AGENCY; FEDERAL BANKING AGENCY.—The terms ''appropriate Federal banking agency'' and ''Federal banking agencies'' have the meaning given those terms, respectively, in section 3 of the Federal Deposit Insurance Act. (12 U.S.C. 1813).

(B) COVERED BANK.—The term ''covered bank'' means—

(i) a minority depository institution that is well capitalized, as defined by the appropriate Federal banking agency; or

(ii) a depository institution designated as an impact bank pursuant to subsection (c) that is well capitalized, as defined by the appropriate Federal banking agency.

(C) INSURED AMOUNT.—The term ''insured amount'' means the amount that is the greater of—

(i) the standard maximum deposit insurance amount (as defined in section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E))); or

(ii) such higher amount negotiated between the Secretary of the Treasury and the Federal Deposit Insurance Corporation under which the Corporation will insure all deposits of such higher amount.

(D) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(E) QUALIFYING ACCOUNT.—The term ''qualifying account'' means any account established in the Department of the Treasury that—

(i) is controlled by the Secretary; and

(ii) is expected to maintain a balance greater than $200,000,000 for the following 24-month period.

(j) STREAMLINED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

(1) APPLICATION PROCESSES.—Not later than 1 year after the date of enactment of this Act and with respect to any person having assets under $3,000,000,000 that submits an application for deposit insurance with the Federal Deposit Insurance Corporation that could also become a community development

financial institution, the Federal Deposit Insurance Corporation, in consultation with the Administrator of the Community Development Financial Institutions Fund, shall—

(A) develop systems and procedures to record necessary information to allow the Administrator to conduct preliminary analysis for such person to also become a community development financial institution; and

(B) develop procedures to streamline the application and annual certification processes and to reduce costs for such person to become, and maintain certification as, a community development financial institution.

(2) IMPLEMENTATION REPORT.—Not later than 18 months after the date of enactment of this Act, the Federal Deposit Insurance Corporation shall submit to Congress a report describing the systems and procedures required under paragraph (1).

(3) ANNUAL REPORT.—

(A) IN GENERAL.—Section 17(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)(1)) is amended—

(i) in subparagraph (E), by striking ''and'' at the end;

(ii) by redesignating subparagraph (F) as subparagraph (G);

(iii) by inserting after subparagraph (E) the following:

''(F) applicants for deposit insurance that could also become community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)), minority depository institutions (as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note)), or impact banks (as designated pursuant to section 4507(c) of the Economic Justice Act); and''.

(B) APPLICATION.—The amendment made by this paragraph shall apply with respect to the first report to be submitted after the date that is 2 years after the date of enactment of this Act.

(4) DEFINITION.—In this subsection, the term ''community development financial institution'' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(k) TASK FORCE ON LENDING TO SMALL BUSINESS CONCERNS.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(B) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(C) IMPACT BANK.—The term ''impact bank'' means a depository institution designated by the appropriate Federal banking agency pursuant to section 4507(c).

(D) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(E) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) TASK FORCE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a task force to examine methods for improving relationships between the Small Business Administration and community development financial institutions, minority depository institutions, and impact banks to increase the volume of loans provided by those institutions to small business concerns.

(3) REPORT TO CONGRESS.—Not later than 18 months after the establishment of the task force described in paragraph (2), the Administrator shall submit to Congress a report on the findings of the task force.

SEC. 4508. ESTABLISHMENT OF FINANCIAL AGENT PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), as amended by section 4507(e), is amended by adding at the end the following:

''(e) FINANCIAL AGENT PARTNERSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary of the Treasury shall establish a program to be known as the 'Financial Agent Partnership Program' (in this subsection referred to as the 'Program') under which a financial agent designated by the Secretary or a large financial institution may serve as a mentor, under guidance or regulations prescribed by the Secretary, to a small financial institution to allow the small financial institution—

''(A) to be prepared to perform as a financial agent; or

''(B) to improve capacity to provide services to the customers of the small financial institution.

''(2) OUTREACH.—The Secretary shall hold outreach events to promote the participation of financial agents, large financial institutions, and small financial institutions in the Program at least once a year.

''(3) FINANCIAL PARTNERSHIPS.—

''(A) IN GENERAL.—Any large financial institution participating in the Program with the Department of the Treasury, if not already required to include a small financial institution, shall offer not more than 5 percent of every contract under that program to a small financial institution.

''(B) ACCEPTANCE OF RISK.—As a requirement of participation in a contract described in subparagraph (A), a small financial institution shall accept the risk of the transaction equivalent to the percentage of any fee the institution receives under the contract.

''(C) PARTNER.—A large financial institution partner may work with small financial institutions, if necessary, to train professionals to understand any risks involved in a contract under the Program.

''(D) INCREASED LIMIT FOR CERTAIN INSTITUTIONS.—With respect to a program described in subparagraph (A), if the Secretary of the Treasury determines that it would be appropriate and would encourage capacity building, the Secretary may alter the requirements under subparagraph (A) to require both—

''(i) a higher percentage of the contract be offered to a small financial institution; and

''(ii) require the small financial institution to be a community development financial institution or a minority depository institution.

''(4) EXCLUSION.—The Secretary shall issue guidance or regulations to establish a process under which a financial agent, large financial institution, or small financial institution may be excluded from participation in the Program.

''(5) REPORT.—The Office of Minority and Women Inclusion of the Department of the Treasury shall include in the report submitted to Congress under section 342(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5452(e)) information pertaining to the Program, including—

''(A) the number of financial agents, large financial institutions, and small financial institutions participating in the Program; and

''(B) the number of outreach events described in paragraph (2) held during the year covered by the report.

''(6) DEFINITIONS.—In this subsection:

''(A) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'community development financial institution' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

''(B) FINANCIAL AGENT.—The term 'financial agent' means any national banking association designated by the Secretary of the Treasury to be employed as a financial agent of the Federal Government.

''(C) LARGE FINANCIAL INSTITUTION.—The term 'large financial institution' means any entity regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets of not less than $50,000,000,000.

''(D) SMALL FINANCIAL INSTITUTION.—The term 'small financial institution' means—

''(i) any entity regulated by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration that has total consolidated assets of not more than $2,000,000,000; or

''(ii) a minority depository institution.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

SEC. 4509. STRENGTHENING MINORITY LENDING INSTITUTIONS.

(a) MINORITY LENDING INSTITUTION SET-ASIDE IN PROVIDING ASSISTANCE.—

(1) IN GENERAL.—Section 108 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707) is amended by adding at the end the following:

''(i) MINORITY LENDING INSTITUTION SET-ASIDE IN PROVIDING ASSISTANCE.—Notwithstanding any other provision of law, in providing any assistance, the Fund shall reserve 40 percent of such assistance for minority lending institutions.''.

(2) DEFINITIONS.—

(A) IN GENERAL.—Section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702) is amended by adding at the end the following:

''(22) MINORITY LENDING INSTITUTION DEFINITIONS.—

''(A) MINORITY.—The term 'minority' means any Black American, Hispanic American, Asian American, Native American, Native Alaskan, Native Hawaiian, or Pacific Islander.

''(B) MINORITY LENDING INSTITUTION.—The term 'minority lending institution' means a community development financial institution—

''(i) with respect to which a majority of the total number of loans and a majority of the value of investments of the community development financial institution are directed at minorities and other targeted populations;

''(ii) that is a minority depository institution, as defined in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note), or otherwise considered to be a minority depository institution by the appropriate Federal banking agency; or

''(iii) that is 51 percent owned by 1 or more socially and economically disadvantaged individuals.

''(C) ADDITIONAL DEFINITIONS.—In this paragraph, the terms 'other targeted populations'

and 'socially and economically disadvantaged individual' shall have the meaning given those terms by the Administrator.''.

(B) TEMPORARY SAFE HARBOR FOR CERTAIN INSTITUTIONS.—A community development financial institution that is a minority depository institution listed in the Federal Deposit Insurance Corporation's Minority Depository Institutions List published for the Second Quarter 2020 shall be deemed a ''minority lending institution'' under paragraph (22) of section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702), as added by subparagraph (A), for purposes of—

(i) any program carried out using appropriations authorized for the Community Development Financial Institutions Fund under section 4506; and

(ii) the Neighborhood Capital Investment Program established under section 4003(i) of the CARES Act, as added by section 4505(2) of this Act.

(b) OFFICE OF MINORITY LENDING INSTITUTIONS.—Section 104 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703) is amended by adding at the end the following:

''(l) OFFICE OF MINORITY LENDING INSTITUTIONS.—

''(1) ESTABLISHMENT.—There is established within the Fund an Office of Minority Lending Institutions, which shall oversee assistance provided by the Fund to minority lending institutions.

''(2) DEPUTY DIRECTOR.—The head of the Office shall be the Deputy Director of Minority Lending Institutions, who shall report directly to the Administrator.''.

(c) REPORTING ON MINORITY LENDING INSTITUTIONS.—Section 117 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4716) is amended by adding at the end the following:

''(g) REPORTING ON MINORITY LENDING INSTITUTIONS.—Each report required under subsection (a) shall include a description of the extent to which assistance from the Fund is provided to minority lending institutions.''.

(d) SUBMISSION OF DATA RELATING TO DIVERSITY BY COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—Section 104 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703) is amended by adding at the end the following:

''(l) SUBMISSION OF DATA RELATING TO DIVERSITY.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'executive officer' has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

''(B) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.

''(2) SUBMISSION OF DISCLOSURE.—Each Fund applicant and recipient shall provide the following:

''(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

''(i) the board of directors of the institution;

''(ii) nominees for the board of directors of the institution; and

''(iii) the executive officers of the institution.

''(B) The status of any member of the board of directors of the institution, any nominee for the board of directors of the institution, or any executive officer of the institution, based on voluntary self-identification, as a veteran.

''(C) Whether the board of directors of the institution, or any committee of that board of directors, has, as of the date on which the institution makes a disclosure under this paragraph, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

''(i) the board of directors of the institution;

''(ii) nominees for the board of directors of the institution; or

''(iii) the executive officers of the institution.

''(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this subsection, and annually thereafter, the Fund shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and make publicly available on the website of the Fund, a report—

''(A) on the data and trends of the diversity information made available pursuant to paragraph (2); and

''(B) containing all administrative or legislative recommendations of the Fund to enhance the implementation of this title or to promote diversity and inclusion within community development financial institutions.''.

SEC. 4510. CDFI BOND GUARANTEE REFORM.

Effective January 1, 2021, section 114A(e)(2)(B) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4713a(e)(2)(B)) is amended by striking ''$100,000,000'' and inserting ''$50,000,000''.

SEC. 4511. REPORTS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(3) CREDIT UNION.—The term ''credit union'' means a State credit union or a Federal credit union, as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(4) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) MINORITY DEPOSITORY INSTITUTION.—The term ''minority depository institution'' has the meaning given the term in section 308(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note).

(6) MINORITY LENDING INSTITUTION.—The term ''minority lending institution'' has the meaning given the term in paragraph (22) of section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702), as added by section 4506(d) of this Act.

(b) REPORTS.—The Secretary of the Treasury shall provide to the appropriate committees of Congress—

(1) within 30 days of the end of each month commencing with the first month in which transactions are made under a program established under this subtitle or the amendments made by this subtitle, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle or the amendments made by this subtitle; and

(2) after the end of March and the end of September, commencing March 31, 2021, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Community Development Financial Institutions Fund, including participating institutions and amounts each institution has received under each program described in paragraph (1).

(c) BREAKDOWN OF FUNDS.—Each report required under subsection (b) shall specify the amount of funds under each program described in subsection (b)(1) that went to—

(1) minority depository institutions that are depository institutions;

(2) minority depository institutions that are credit unions;

(3) minority lending institutions;

(4) community development financial institution loan funds;

(5) community development financial institutions that are depository institutions; and

(6) community development financial institutions that are credit unions.

SEC. 4512. INSPECTOR GENERAL OVERSIGHT.

(a) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of any program established under this subtitle or the amendments made by this subtitle.

(b) REPORTING.—The Inspector General of the Department of the Treasury shall issue a report not less frequently than 2 times per year to Congress and the Secretary of the Treasury relating to the oversight provided by the Office of the Inspector General, including any recommendations for improvements to the programs described in subsection (a).

SEC. 4513. STUDY AND REPORT WITH RESPECT TO IMPACT OF PROGRAMS ON LOW- AND MODERATE-INCOME AND MINORITY COMMUNITIES.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the impact of the programs established under this title or any amendment made by this subtitle on low- and moderate-income and minority communities.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a), which shall include, to the extent possible, the results of the study disaggregated by ethnic group.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in any of the programs described in subsection (a) shall provide the Secretary of the Treasury with such information as the Secretary may require to carry out the study required by this section.

TITLE V—DOWNPAYMENT ON BUILDING 21ST CENTURY INFRASTRUCTURE

SEC. 5001. FINDINGS.

Congress finds the following:

(1) This Act is a major proposal to re-program billions of unspent CARES Act (Public Law 116–136) funding in immediate and long-term investments in Black communities and other communities of color.

(2) The current COVID-19 pandemic has disproportionally impacted communities of color and exacerbated the conditions that, combined with persistently underfunded critical priorities like public health, child care, infrastructure, and job creation, have led to record levels of poverty and sickness.

(3) The historical record of Federal underinvestment in communities of color has created systematic disparities that cross nearly every economic sector and require Congressional and Executive action to undo.

(4) This Act makes critical short term investments to respond to these disparities exacerbated by the pandemic, in areas like in child care, mental health and primary care, and job creation.

(5) This Act has a secondary objective of helping to build long lasting wealth, health,

and economic stability in these communities with an initial commitment to be made over the next 5 years through investments in infrastructure, a homeowner down payment tax credit, Medicaid expansion, and more.

(6) This Act is not the conclusion of efforts in this space, but an initial down payment to communities of color and the first in many focused investments and policy initiatives to begin dismantling systematic racism.

Subtitle A—High-speed Internet

SEC. 5101. DEFINITIONS.

In this subtitle:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(2) BROADBAND; BROADBAND SERVICE.—The term ''broadband'' or ''broadband service'' has the meaning given the term ''broadband internet access service'' in section 8.1 of title 47, Code of Federal Regulations, or any successor regulation.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) DIGITAL EQUITY.—The term ''digital equity'' means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.

(5) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153), as amended by section 5126 of this Act.

(6) NATIVE HAWAIIAN.—The term ''Native Hawaiian'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153), as amended by section 5126 of this Act.

(7) TRIBAL LAND.—The term ''Tribal land'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153), as amended by section 5126 of this Act.

CHAPTER 1—BROADBAND CONNECTIVITY FUND

SEC. 5111. DEFINITIONS.

In this chapter:

(1) LIFELINE PROGRAM.—The term ''Lifeline program'' means the program set forth under subpart E of part 54 of title 47, Code of Federal Regulations (or any successor regulation).

(2) NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The term ''National Lifeline Eligibility Verifier'' has the meaning given the term in section 54.400 of title 47, Code of Federal Regulations (or any successor regulation).

(3) STATE.—The term ''State'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

SEC. 5112. ADDITIONAL BROADBAND BENEFIT.

(a) DEFINITIONS.—In this section:

(1) BROADBAND BENEFIT.—The term ''broadband benefit'' means a monthly discount for an eligible household applied to the normal rate for an internet service offering, in an amount equal to the lesser of—

(A) the normal rate; or

(B)(i) $50; or

(ii) if an internet service offering is provided to an eligible household on Tribal land, $75.

(2) CONNECTED DEVICE.—The term ''connected device'' means a laptop or desktop computer or a tablet.

(3) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means, regardless of whether the household or any member of the household receives support under the Lifeline program, and regardless of whether any member of the household has any past or present arrearages with a provider, a household in which not less than 1 member of the household—

(A) meets the qualifications in paragraph (a) or (b) of section 54.409 of title 47, Code of Federal Regulations (or any successor regulation);

(B) receives free or reduced price meals under—

(i) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

(ii) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(C) experienced a substantial loss of income for not less than 2 consecutive months immediately preceding the month for which eligibility for the broadband benefit is being determined, documented by layoff or furlough notice, application for unemployment insurance benefits, or similar documentation; or

(D) received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) in the most recent academic year.

(4) INTERNET SERVICE OFFERING.—The term ''internet service offering''—

(A) with respect to a provider that is providing broadband service before the date of enactment of this Act, means broadband service provided by the provider to a household, offered in the same manner, and on the same or better terms, as described in any of the provider's advertisements for broadband service to the household, as of May 1, 2020 (or such later date as the Commission may by rule determine, if the Commission considers it necessary); and

(B) with respect to a provider that begins providing broadband service after the date of enactment of this Act, means broadband service provided by the provider to a household, offered in the same manner, and on the same or better terms, as the manner and terms described in advertisements to the household from another provider for similar service as of May 1, 2020 (or such later date as the Commission may by rule determine, if the Commission considers it necessary); and

(5) NORMAL RATE.—The term ''normal rate'', with respect to an internet service offering by a provider, means the monthly retail rate, including any applicable promotions and excluding any taxes or other governmental fees, that was advertised on May 1, 2020 (or such later date as the Commission may by rule determine, if the Commission considers it necessary)—

(A) by the provider for that level of service, in the case of an internet service offering described in paragraph (4)(A); or

(B) by another provider for similar service, in the case of an internet service offering described in paragraph (4)(B).

(6) PROVIDER.—The term ''provider'' means a provider of broadband service.

(b) PROMULGATION OF REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations implementing this section.

(c) REQUIREMENTS.—The regulations promulgated under subsection (b) shall establish the following:

(1) BROADBAND BENEFIT.—A provider shall—

(A) provide an eligible household with an internet service offering, upon request by a member of the household; and

(B) discount the price charged to the household for the internet service offering in an amount equal to the broadband benefit for the household.

(2) VERIFICATION OF ELIGIBILITY.—To verify whether a household is an eligible household, a provider shall—

(A) use the National Lifeline Eligibility Verifier;

(B) rely upon an alternative verification process of the provider, if the Commission finds that process to be sufficient to avoid waste, fraud, and abuse while maintaining a goal of digital equity; or

(C) rely upon a school to verify the eligibility of the household based on not less than 1 member of the household receiving free or reduced price meals under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(3) USE OF NATIONAL LIFELINE ELIGIBILITY VERIFIER.—The Commission shall—

(A) expedite the ability of all providers to access the National Lifeline Eligibility Verifier for purposes of determining whether a household is an eligible household; and

(B) ensure that the National Lifeline Eligibility Verifier approves an eligible household to receive the broadband benefit not later than 10 days after the date of the submission of information necessary to determine if the household is an eligible household.

(4) REIMBURSEMENT.—Using amounts from the Broadband Connectivity Fund established under subsection (h), the Commission shall reimburse a provider in an amount equal to the broadband benefit with respect to an eligible household that receives the broadband benefit from the provider.

(5) REIMBURSEMENT FOR CONNECTED DEVICE.—A provider that, in addition to providing the broadband benefit to an eligible household, supplies the household with a connected device may be reimbursed not more than $100 from the Broadband Connectivity Fund established under subsection (h) for the connected device, if the charge to the eligible household is more than $10 and less than $50 for the connected device, except that a provider may receive reimbursement for not more than 1 connected device per eligible household.

(6) CERTIFICATION REQUIRED.—To receive a reimbursement under paragraph (4) or (5), a provider shall provide to the Commission—

(A) a certification that the amount for which the provider is seeking reimbursement from the Broadband Connectivity Fund for an internet service offering to an eligible household is not more than the normal rate;

(B) a certification that each eligible household for which the provider is seeking reimbursement for providing an internet service offering discounted by the broadband benefit—

(i) has not been and will not be charged—

(I) for the offering, if the normal rate for the offering is not more than the amount of the broadband benefit for the household; or

(II) more for the offering than the difference between—

(aa) the normal rate for the offering; and

(bb) the amount of the broadband benefit for the household;

(ii) will not be required to pay an early termination fee if the eligible household—

(I) elects to enter into a contract to receive the internet service offering; and

(II) later terminates the contract;

(iii) was not subject to a mandatory waiting period for the internet service offering based on having previously received broadband service from the provider; and

(iv)(I) will not be denied the internet service offering or connected device based on consideration of a credit report or credit score; and

(II) in the case of an eligible household that would traditionally be determined ineligible based on consideration of a credit report or credit score, is provided access to—

(aa) the best plan for internet service offered by the provider with speeds of not less than 25 megabits per second downstream and 3 megabits per second upstream, if the rate for that offering is less than $50; or

(bb) if a plan described in item (aa) is not available for less than $50, the lowest-priced

internet service offering of the provider with speeds of not less than 25 megabits per second downstream and 3 megabits per second upstream;

(C) a certification that each eligible household for which the provider is seeking reimbursement for supplying the household with a connected device has not been and will not be charged $10 or less or $50 or more for the device; and

(D) if the provider elects an alternative verification process under paragraph (2)(B)—

(i) a description of the process used by the provider to verify that a household is an eligible household; and

(ii) a certification that the verification process was designed to avoid waste, fraud, and abuse while maintaining a goal of digital equity.

(7) AUDIT REQUIREMENTS.—The Commission shall adopt audit requirements to—

(A) ensure that providers are in compliance with the requirements under this section;

(B) prevent waste, fraud, and abuse in the broadband benefit program established under this section; and

(C) ensure that providers maintain a goal of digital equity in carrying out the broadband benefit program established under this section.

(d) ELIGIBLE PROVIDERS.—Notwithstanding subsection (f), the Commission shall provide a reimbursement to a provider under this section without requiring the provider to be designated as an eligible telecommunications carrier under section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the collection, distribution, or administration of the Lifeline program.

(f) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), with respect to support provided under the regulations required under subsection (b)—

(1) shall apply in whole or in part to that support;

(2) shall not apply in whole or in part to that support; or

(3) shall be modified in whole or in part for purposes of application to that support.

(g) ENFORCEMENT.—

(1) TREATMENT AS VIOLATION OF COMMUNICATIONS ACT OF 1934.—A violation of this section or a regulation promulgated under this section, including the knowing or reckless denial of an internet service offering discounted by the broadband benefit to an eligible household that requests such an offering, shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under that Act.

(2) INCORPORATION OF TERMS AND PROVISIONS.—The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 were incorporated into and made a part of this section.

(h) BROADBAND CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Broadband Connectivity Fund''.

(2) APPROPRIATION.—There is appropriated to the Broadband Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $20,975,000,000 for fiscal year 2021, to remain available until expended.

(3) USE OF FUNDS.—Amounts in the Broadband Connectivity Fund shall be available to the Commission for reimbursements to providers under the regulations required under subsection (b).

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Reimbursements provided under the regulations required under subsection (b) shall be provided from amounts made available under this subsection and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)), except the Commission may use those contributions if needed to offset expenses associated with the reliance on the National Lifeline Eligibility Verifier to determine eligibility of households to receive the broadband benefit.

(5) LACK OF AVAILABILITY OF FUNDS.—The regulations required under subsection (b) shall provide that a provider is not required to provide an eligible household with an internet service offering under subsection (c)(1) for any month for which there are insufficient amounts in the Broadband Connectivity Fund to reimburse the provider under subsection (c)(4) for providing the broadband benefit to the eligible household.

SEC. 5113. GRANTS TO STATES TO STRENGTHEN NATIONAL LIFELINE ELIGIBILITY VERIFIER.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, using amounts appropriated under subsection (d), the Commission shall make a grant to each State, in an amount in proportion to the population of the State, for the purpose of connecting the database used by the State for purposes of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the National Lifeline Eligibility Verifier, so that the receipt by a household of benefits under that program is reflected in the National Lifeline Eligibility Verifier.

(b) DISBURSEMENT OF GRANT FUNDS.—Not later than 60 days after the date of enactment of this Act, the Commission shall disburse funds under a grant made under subsection (a) to the State receiving the grant.

(c) CERTIFICATION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commission shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that the Commission has—

(1) made the grants required under subsection (a); and

(2) disbursed funds as required under subsection (b).

(d) APPROPRIATION.—There is appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, $400,000,000 to carry out this section for fiscal year 2021, to remain available until expended.

SEC. 5114. FEDERAL COORDINATION BETWEEN LIFELINE AND SNAP VERIFICATION.

(a) DEFINITION.—In this section, the term ''automated connection'' means a connection, to the maximum extent practicable, between 2 or more information systems where the manual input of information in 1 system leads to the automatic input of the same information any other connected system.

(b) ESTABLISHMENT OF AUTOMATED CONNECTION.—Notwithstanding section 11(x)(2)(c)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)(2)(C)(i)), not later than 180 days after the date of enactment of this Act, the Commission shall, in coordination with the Secretary of Agriculture, establish an automated connection, to the maximum extent practicable, between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse established under section 11(x) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(x)).

(c) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary of Agriculture, in consultation with the Commission, shall produce a report on enrollment in the Lifeline program by individuals participating in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(d) STUDY.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study and submit a report to Congress on—

(1) the projected number of new broadband service consumers who adopted broadband service through a Federal assistance program; and

(2) data that illustrates the efficacy of various advertising efforts on eligibility for the Lifeline program.

CHAPTER 2—TRIBAL BROADBAND

SEC. 5121. DEFINITIONS.

In this chapter:

(1) TRIBAL BROADBAND BENCHMARK.—The term ''Tribal broadband benchmark'' means the minimum acceptable level of broadband service on Tribal land, which shall consist of—

(A) speed that is not slower than the speed required for the service to qualify as an advanced telecommunications capability, as that term is defined in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)), as of the date on which that speed is measured; and

(B) network round trip latency that is at or below 100 milliseconds for not less than 95 percent of all peak period measurements of network round trip latency.

(2) TRIBAL ENTITY.—The term ''Tribal entity'' has the meaning given the term in section 3 of the Communications Act of 1934 (47 U.S.C. 153), as amended by section 5126 of this Act.

(3) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the governing body of a Tribal entity.

(4) UNDERSERVED TRIBAL ENTITY.—

(A) IN GENERAL.—The term ''underserved Tribal entity'' means a Tribal entity, the Tribal land of which—

(i) lacks affordable broadband service; or

(ii) has subscription rates for broadband service that are below 80 percent, as determined by the Commission.

(B) ASSOCIATED DEFINITION.—In this paragraph, the term ''affordable broadband service'' means broadband service on Tribal land, the rates for which are not more than the average rates charged for broadband service in the 5 nearest municipalities to that Tribal land that have a population of more than 10,000 individuals, as determined by the Commission.

SEC. 5122. TRIBAL BROADBAND FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Tribal Broadband Fund''.

(b) APPROPRIATION.—There is appropriated to the Tribal Broadband Fund, out of any money in the Treasury not otherwise appropriated, $14,300,000,000 for fiscal year 2021, to remain available until expended.

(c) USE OF FUNDS.—Amounts in the Tribal Broadband Fund shall be available to the Commission to—

(1) support the rapid development and deployment of broadband service on Tribal land;

(2) provide broadband service to qualifying anchor institutions (as defined in section 5124);

(3) provide broadband education, awareness, training, access, and equipment to broadband providers that serve Tribal land; and

(4) support the activities of the Tribal Broadband Interagency Working Group established under section 5123(b), in accordance with section 5123(c)(6).

SEC. 5123. INTERAGENCY COORDINATION PROGRAM.

(a) PURPOSE.—The purpose of this section is to—

(1) expedite and streamline the deployment of affordable broadband service on Tribal land through the coordination of grants or other financial assistance;

(2) improve the effectiveness of Federal assistance in meeting the obligation of the Commission to ensure universal availability of broadband networks to all people of the United States, including individuals living on Tribal land; and

(3) ensure the preservation and protection of self-governance, economic opportunity, health, education, public safety, and welfare of Tribal entities.

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the Rural Utilities Service (referred to in this section as the ''Administrator'') shall establish a working group to be known as the ''Tribal Broadband Interagency Working Group'' (referred to in this section as the ''Working Group'') to carry out the duties described in paragraph (3).

(2) ADMINISTRATION.—

(A) CHAIRS.—The Assistant Secretary and the Administrator shall serve as co-chairs of the Working Group.

(B) MEMBERSHIP; STAFFING.—The Assistant Secretary and the Administrator, in consultation with the Tribal Broadband Deployment Advisory Committee established under subsection (e), shall determine the membership and staffing of the Working Group.

(3) DUTIES.—The Working Group shall—

(A)(i) serve as a forum for improving coordination across Federal broadband programs that are available to Tribal entities;

(ii) reduce regulatory barriers to broadband deployment on Tribal land;

(iii) promote awareness of the value and availability of Federal support for broadband deployment on Tribal land; and

(iv) develop common Federal goals, performance measures, and plans to deploy affordable broadband to Tribal land;

(B) not later than 1 year after the date of enactment of this Act, and biennially thereafter, issue a strategic plan regarding Tribal broadband deployment activities, priorities, and objectives;

(C) promote coordination of the activities of Federal agencies on Tribal broadband deployment activities, including the activities of—

(i) the Department of Agriculture;

(ii) the Department of Commerce;

(iii) the Department of Education;

(iv) the Department of Health and Human Services;

(v) the Department of Housing and Urban Development;

(vi) the Department of the Interior;

(vii) the Department of Labor;

(viii) the Commission;

(ix) the Institute of Museum and Library Services; and

(x) any other Federal agency that the Working Group considers appropriate;

(D) provide technical assistance for the development of Tribal broadband deployment plans to meet the Tribal broadband benchmark;

(E) under subsection (d), develop a streamlined and standardized application process for grants and other financial assistance to advance the deployment of broadband on Tribal land;

(F) promote information exchange between Federal agencies—

(i) to identify and document Federal and non-Federal programs and funding opportunities that support Tribal broadband deployment; and

(ii) if practicable, to leverage existing programs by encouraging joint solicitations, block grants, and matching programs with non-Federal entities; and

(G) develop a standardized form that identifies all applicable Federal statutory provisions, regulations, policies, or procedures that the Working Group determines are necessary to adhere to in order to implement a Tribal broadband deployment plan.

(c) TRIBAL BROADBAND DEPLOYMENT PLAN.—

(1) IDENTIFICATION OF UNDERSERVED TRIBAL ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Chairman of the Commission, in coordination with the Secretary of the Interior, shall identify each underserved Tribal entity and publish a list of such entities in the Federal Register.

(2) NOTICE TO UNDERSERVED TRIBAL ENTITIES.—Not later than 30 days after the date on which the list is published in the Federal Register under paragraph (1), the Working Group shall send notice to each underserved Tribal entity on the list inviting the entity to request technical assistance for the development of a Tribal broadband deployment plan under this subsection.

(3) TECHNICAL ASSISTANCE.—At the request of an underserved Tribal entity, the Working Group shall provide the entity with technical assistance to facilitate the development, adoption, and deployment of a Tribal broadband development plan detailing the current and projected efforts of the entity to meet the Tribal broadband benchmark.

(4) PLAN ELEMENTS.—Each Tribal broadband deployment plan developed under this subsection shall—

(A) describe a comprehensive strategy identifying the full range of options to meet the Tribal broadband benchmark;

(B) describe all available Federal programs that are available to assist the applicable underserved Tribal entity in meeting the Tribal broadband benchmark;

(C) describe the way in which Federal program activities and funds shall be integrated, consolidated, and delivered to the applicable underserved Tribal entity to meet the Tribal broadband benchmark;

(D) describe the results expected from implementing the plan, including the expected number of additional households or participants that would be served due to the implementation of the plan;

(E) identify the projected non-Federal expenditures under the plan;

(F) identify any agency of the applicable underserved Tribal entity that will be involved in the delivery of the services integrated under the plan;

(G) identify all applicable Federal, State, and Tribal statutory provisions, regulations, policies, or procedures that the Working Group determines are necessary to adhere to in order to implement the plan;

(H) identify opportunities for the applicable underserved Tribal entity to purchase spectrum; and

(I) identify—

(i) deployment obstacles; and

(ii) activities that are necessary to ensure access to affordable broadband, including digital literacy training, technical support, privacy and cybersecurity expertise, or other end-user technology needs.

(5) PROMOTING BROADBAND AVAILABILITY.—The Working Group shall work in partnership with State, local, and Tribal governments, and consumer and industry groups, to promote broadband availability to each underserved Tribal entity, including consumers in rural and high-cost areas that are adjacent to Tribal land.

(6) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2021 through 2025, the Commission may transfer not more than $5,000,000 of the amounts made available from the Tribal Broadband Fund established under section 5122 to the Working Group to carry out subsection (b) and this subsection.

(d) STREAMLINED APPLICATIONS FOR SUPPORT.—

(1) AGENCY CONSULTATION.—The Assistant Secretary shall consult with each Federal agency that offers a Federal broadband support program to Tribal entities to streamline and standardize the application process for grants or other financial assistance under the program.

(2) AGENCY STREAMLINING.—A Federal agency that offers a Federal broadband support program to Tribal entities shall amend the application for broadband support from the program, to the extent practicable and as necessary, in order to streamline and standardize applications for Federal broadband support programs across the Federal Government.

(3) SINGLE APPLICATION.—To the greatest extent practicable, the Assistant Secretary shall seek to create 1 application that may be submitted to apply for support from all Federal broadband support programs.

(4) CENTRAL WEBSITE.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall create a central website through which a potential applicant can learn about and apply for support from any Federal broadband support program.

(e) TRIBAL BROADBAND DEPLOYMENT ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—There is established the Tribal Broadband Deployment Advisory Committee (referred to in this subsection as the ''Committee'').

(2) PURPOSES; SCOPE OF ACTIVITIES.—

(A) PURPOSES.—The purposes of the Committee are—

(i) to make recommendations to Congress regarding how to accelerate the deployment of broadband service on Tribal land by—

(I) reducing or removing statutory and regulatory barriers to investment in broadband infrastructure; and

(II) strengthening existing broadband networks on Tribal land; and

(ii) to provide an effective means for Tribal entities to engage with governmental entities and professionals with expertise and backgrounds in broadband, telecommunications, information technology, and infrastructure deployment and adoption in the areas covered by the Committee to exchange ideas and develop recommendations to Congress regarding the deployment of broadband on Tribal land.

(B) CONSIDERATION OF ISSUES.—The Committee may consider issues that include—

(i) measures to prepare for, respond to, and recover from disasters that impact broadband networks;

(ii) new ways of encouraging deployment of broadband infrastructure and services on Tribal land; and

(iii) other ways to accelerate the deployment of broadband infrastructure to Tribal land.

(3) DUTIES.—The Committee shall provide recommendations to Congress on issues relating to the deployment of broadband on Tribal land.

(4) MEMBERSHIP.—

(A) IN GENERAL.—The Committee shall consist of 16 voluntary representatives as follows:

(i) 12 authorized representatives of Tribal governments, each of whom shall represent a different Bureau of Indian Affairs region.

(ii) 4 authorized representatives of Tribal governments, each of whom shall serve as an at-large representative.

(B) QUALIFICATIONS.—Each member of the Committee described in subparagraph (A) shall—

(i) be an elected Tribal official or authorized representative of an elected Tribal official;

(ii) act in the official capacity of the member as an elected official of the entity;

(iii) have the authority to participate on behalf of the Tribe; and

(iv) be qualified to represent the views of all Tribal entities located in the region of the Bureau of Indian Affairs represented by the member.

(C) CHAIR.—The Assistant Secretary shall appoint a Chair of the Committee, who shall—

(i) approve or call all of the meetings of the Committee and subcommittees of the Committee;

(ii) prepare and approve all meeting agendas;

(iii) attend all Committee and subcommittee meetings;

(iv) adjourn any meeting when the Chair determines that adjournment to be in the public interest; and

(v) chair meetings when directed to do so by the Assistant Secretary.

(5) MEETINGS.—

(A) FREQUENCY.—The Committee shall meet not less frequently than 3 times per year.

(B) TRANSPARENCY.—The meetings of the Committee shall be open to the public and timely notice of each such meeting shall be published—

(i) in the Federal Register; and

(ii) through other appropriate methods.

(6) SUPPORT.—

(A) FACILITIES AND STAFF.—The Assistant Secretary shall provide the facilities and support staff necessary to conduct meetings of the Committee.

(B) COMPENSATION.—A member of the Committee shall serve without any compensation from the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

SEC. 5124. BROADBAND FOR TRIBAL LIBRARIES AND CONSORTIUMS.

(a) DEFINITION.—In this section, the term ''qualifying anchor institution'' means a facility owned by an Indian Tribe, serving Indian Tribes, or serving American Indians, Alaskan Natives, or Native Hawaiian communities, including—

(1) a Tribal library or Tribal library consortium; or

(2) a Tribal government building, chapter house, longhouse, community center, senior center, or other similar public building.

(b) ELIGIBILITY OF LIBRARIES AND OTHER ANCHOR INSTITUTIONS FOR E-RATE SUPPORT.—The Commission shall amend section 54.501(b) of title 47, Code of Federal Regulations, to provide that a qualifying anchor institution shall be eligible for a discount on telecommunications and other supported services under subpart F of part 54 of that title, without regard to whether the qualifying anchor institution is eligible for assistance from a State library administrative agency under the Library Services and Technology Act (20 U.S.C. 9121 et seq.).

SEC. 5125. TRIBAL SET-ASIDE.

(a) RURAL UTILITIES SERVICE.—

(1) TRIBAL SET-ASIDE.—Notwithstanding any other provision of law, effective beginning in fiscal year 2021 and for each fiscal year thereafter, the Secretary of Agriculture (referred to in this subsection as the ''Secretary'') shall set aside for broadband adoption and deployment on Tribal land not less than 20 percent of the amounts made available for that fiscal year for each of the following:

(A) The Telecommunications Infrastructure Loan and Loan Guarantee Program established under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).

(B) The initiative under section 306F of that Act (7 U.S.C. 936f).

(C) The Community Connect Grant Program established under section 604 of that Act (7 U.S.C. 950bb–3).

(D) Financial assistance under chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.), under section 2335A of that Act (7 U.S.C. 950aaa–5).

(E) The broadband loan and grant pilot program described in section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141).

(2) COMMUNITY CONNECT GRANT PROGRAM.—

(A) DEFINITION OF ELIGIBLE ENTITY.—Section 604(a)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb–3(a)(3)) is amended—

(i) in subparagraph (A)(i)(II), by striking ''or Tribal organization'' and inserting '', Tribal organization, or Indian-owned business (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302))''; and

(ii) in subparagraph (B)(ii), by inserting '', unless the partnership is an Indian-owned business (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302))'' before the period at the end.

(B) EXEMPTION FROM MATCHING FUNDS REQUIREMENT.—Section 604(e)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb–3(e)(1)) is amended by inserting ''(other than an underserved Tribal entity (as defined in section 5121 of the Economic Justice Act))'' after ''eligible entity''.

(C) EXEMPTION FROM APPLICATION REQUIREMENTS.—Section 604(f) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb–3(f)) is amended by adding at the end the following:

''(3) EXEMPTIONS FOR TRIBAL ENTITIES.—Notwithstanding paragraphs (1) and (2), the Secretary shall not require a Tribal entity (as defined in section 5121 of the Economic Justice Act) to submit a system design described in subsection (d) of section 1739.15 of title 7, Code of Federal Regulations (or successor regulations), or financial information described in subsection (h)(2) of that section, to be eligible to receive a grant under the Program.''.

(3) BROADBAND LOAN AND GRANT PILOT PROGRAM.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a Tribal entity shall be considered to be eligible for funding under the broadband loan and grant pilot program described in section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 399).

(B) EXEMPTIONS.—The Secretary of Agriculture shall exempt underserved Tribal entities from the application requirements under the pilot program described in subparagraph (A)—

(i) to submit a network design; and

(ii) to provide a matching contribution equal to 25 percent of the overall cost of the project.

(b) UNIVERSAL SERVICE FUND.—

(1) UNIVERSAL SERVICE GENERALLY.—Not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations under which the Commission, on and after the effective date of the regulations, shall—

(A) set aside 5 percent of the amounts allocated for each Federal universal service support program established under section 254 of the Communications Act of 1934 (47 U.S.C. 254), including each program carried out under subparts D through G and J through M of part 54 of title 47, Code of Federal Regulations, or any successor regulations; and

(B) with respect to the amount set aside from each program under subparagraph (A), distribute that amount for the purpose of expanding access to broadband service on Tribal land, in accordance with the otherwise applicable requirements of the program.

(2) LIFELINE PROGRAM.—

(A) INITIAL INCREASE IN TRIBAL LAND SUPPORT AMOUNT.—For the first 12-month period beginning 2 years after the date of enactment of this Act, in the case of Tribal land pertaining to a Tribal entity that has not met the Tribal broadband benchmark, the Commission shall increase the monthly cap on additional Federal lifeline support made available to an eligible telecommunications carrier providing Lifeline service to an eligible resident of that Tribal land under section 54.403(a)(3) of title 47, Code of Federal Regulations, or any successor regulation, by $10.

(B) ANNUAL INCREASE.—For each subsequent 12-month period after the 12-month period described in subparagraph (A), in the case of Tribal land pertaining to a Tribal entity that has not met the Tribal broadband benchmark, the Commission shall increase the monthly cap described in that paragraph by an additional $10.

SEC. 5126. UNIVERSAL SERVICE ON TRIBAL LAND.

(a) DEFINITIONS.—Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraphs (58) and (59) as paragraphs (62) and (63), respectively;

(2) by redesignating paragraphs (35) through (57) as paragraphs (37) through (59), respectively;

(3) by redesignating paragraphs (24) through (34) as paragraphs (25) through (35), respectively;

(4) by inserting after paragraph (23) the following:

''(24) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).'';

(5) by inserting after paragraph (35), as so redesignated, the following:

''(36) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221).''; and

(6) by inserting after paragraph (59), as so redesignated, the following:

''(60) TRIBAL ENTITY.—The term 'Tribal entity'—

''(A) means an Indian Tribe; and

''(B) includes a Native Hawaiian community.

''(61) TRIBAL LAND.—The term 'Tribal land' means—

''(A) any land located within the boundaries of—

''(i) an Indian reservation, pueblo, or rancheria; or

''(ii) a former reservation within Oklahoma;

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

''(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

''(iii) by a dependent Indian community;

''(C) any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(a));

''(D) Hawaiian Home Lands, as defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221); or

''(E) those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.''.

(b) UNIVERSAL SERVICE.—Section 254(b)(3) of the Communications Act of 1934 (47 U.S.C. 254(b)(3)) is amended—

(1) by striking ''and those'' and inserting '', consumers''; and

(2) inserting after ''high cost areas,'' the following: ''and consumers on Tribal land and in areas with high populations of Indians (as defined in section 19 of the Act of June 18, 1934 (commonly known as the 'Indian Reorganization Act') (25 U.S.C. 5129)) or Native Hawaiians,''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 271(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 271(c)(1)(A)) is amended, in the first sentence, by striking ''section 3(47)(A)'' and inserting ''section 3(56)(A)''.

SEC. 5127. TRIBAL BROADBAND FACTOR.

The Commission shall conduct a rulemaking to—

(1) increase Connect America Fund Broadband Loop Support under subpart K of part 54 of title 47, Code of Federal Regulations (or any successor regulation), available to rate-of-return carriers serving Tribal land by reducing the funding threshold of $42 per month per line by 25 percent; and

(2) increase High Cost Loop Support under subpart M of part 54 of title 47, Code of Federal Regulations (or any successor regulation), available to rate-of-return carriers serving Tribal land by increasing—

(A) the eligible costs expense adjustment under section 54.1310(a)(1) of that title from 65 percent to 81.25 percent; and

(B) the eligible costs expense adjustment under section 54.1310(a)(2) of that title from 75 percent to 93.75 percent.

SEC. 5128. PILOT PROGRAM FOR TRIBAL GRANT OF RIGHTS-OF-WAY FOR BROADBAND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term ''program'' means the Tribal Broadband Right-of-Way Pilot Program established under subsection (b)(1).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a pilot program, to be known as the ''Tribal Broadband Right-of-Way Pilot Program'', under which the Secretary shall delegate to the Indian Tribes selected under paragraph (3) the authority under the first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323) to grant rights-of-way described in paragraph (2) over and across Tribal land.

(2) RIGHT-OF-WAY DESCRIBED.—A right-of-way referred to in paragraph (1) is a right-of-way for the construction, maintenance, and facilitation of broadband service, which may include—

(A) towers;

(B) cables;

(C) transmission lines; and

(D) any other equipment necessary for construction, maintenance, and facilitation of broadband service.

(3) PARTICIPATING INDIAN TRIBES.—

(A) IN GENERAL.—Subject to subparagraph (B) and in accordance with subsection (c), the Secretary shall select not fewer than 10 Indian Tribes to participate in the program.

(B) LOCATION OF INDIAN TRIBES.—Of the Indian Tribes selected under subparagraph (A), not fewer than 5 shall be Indian Tribes the land of which is located within the State of Arizona or the State of New Mexico.

(4) BROADBAND RIGHT-OF-WAY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an Indian Tribe participating in the program may grant a right-of-way described in paragraph (2) over and across the land of the Indian Tribe without the approval of, or a grant by, the Secretary, if—

(i) the right-of-way is granted in accordance with the regulations of the Indian Tribe approved by the Secretary under subsection (c); and

(ii) the term of the right-of-way does not exceed 25 years, except that a right-of-way may include an option to renew the right-of-way for not more than 2 additional terms, each of which may not exceed 25 years.

(B) ALLOTTED LAND.—An Indian Tribe may not grant a right-of-way under subparagraph (A) over and across an individual Indian allotment under section 4 of the Act of February 8, 1887 (commonly known as the ''Indian General Allotment Act'') (24 Stat. 389, chapter 119; 25 U.S.C. 334).

(c) PROPOSED REGULATIONS.—

(1) IN GENERAL.—An Indian Tribe desiring to participate in the program shall submit to the Secretary an application containing the proposed regulations of the Indian Tribe for the granting of rights-of-way described in subsection (b)(2).

(2) SELECTION.—The Secretary may only select for participation in the program Indian Tribes the proposed regulations of which are approved by the Secretary under this subsection.

(3) CONSIDERATIONS FOR APPROVAL.—The Secretary may approve the proposed regulations of an Indian Tribe if the regulations—

(A) are consistent with any regulations issued by the Secretary under section 6 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 328); and

(B) provide for an environmental review process that includes—

(i) the identification and evaluation by the Indian Tribe of any significant impacts of the proposed right-of-way on the environment; and

(ii) a process for ensuring that—

(I) the public is informed of, and has a reasonable opportunity to comment on, any impacts identified by the Indian Tribe under clause (i); and

(II) the Indian Tribe provides responses to relevant and substantive public comments received under subclause (I).

(4) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—On request of an Indian Tribe desiring to participate in the program, the Secretary shall provide technical assistance for development of proposed regulations to be submitted in the application of the Indian Tribe under paragraph (1), including technical assistance for development of a regulatory environmental review process that meets the requirements of paragraph (3)(B).

(B) ISDEAA.—

(i) IN GENERAL.—Technical assistance provided by the Secretary under subparagraph (A) may be made available to Indian Tribes described in clause (ii) through contracts, grants, or agreements entered into in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

(ii) INDIAN TRIBE DESCRIBED.—An Indian Tribe referred to in clause (i) is an Indian Tribe eligible for contracts, grants, or agreements under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

(5) REVIEW PROCESS.—

(A) IN GENERAL.—Not later than 120 days after the date on which an application is submitted to the Secretary under paragraph (1), the Secretary shall review and approve or disapprove the proposed regulations contained in the application.

(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the regulations under subparagraph (A), the Secretary shall—

(i) notify the Indian Tribe that the regulations have been disapproved; and

(ii) include with the notification written documentation that describes the basis for the disapproval.

(C) EXTENSION.—After consultation with the Indian Tribe, the Secretary may extend the deadline described in subparagraph (A) for an additional 120-day period.

(d) FEDERAL ENVIRONMENTAL REVIEW.—If an Indian Tribe participating in the program proposes to grant a right-of-way for a broadband service project or activity funded by a Federal agency, the Indian Tribe may rely on the environmental review process of the applicable Federal agency rather than the environmental review process approved as part of the regulations of the Indian Tribe under subsection (c)(3)(B).

(e) DOCUMENTATION.—If an Indian Tribe participating in the program grants a right-of-way under the program, the Indian Tribe shall submit to the Secretary—

(1) a copy of the right-of-way, including any amendments or renewals to the right-of-way; and

(2) if the regulations of the Indian Tribe or the right-of-way allows for right-of-way payments to be made directly to the Indian Tribe, documentation of the right-of-way payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (f)(2).

(f) TRUST RESPONSIBILITY.—

(1) IN GENERAL.—The United States shall not be liable for any losses sustained by a party to a right-of-way granted by an Indian Tribe under the program.

(2) AUTHORITY OF SECRETARY.—

(A) IN GENERAL.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to Indian Tribes participating in the program under Federal law (including regulations), the Secretary may, on request by, and after reasonable notice from, an Indian Tribe, enforce the provisions of, or cancel, any right-of-way granted by the Indian Tribe under the program.

(B) PROCEDURES.—The Secretary shall enforce the provisions of, or cancel, any right-of-way under subparagraph (A) in accordance with the regulations issued by the Secretary under section 6 of the Act of February 5, 1948 (62 Stat. 18, chapter 45; 25 U.S.C. 328).

(g) COMPLIANCE.—

(1) IN GENERAL.—A duly enrolled member of an Indian Tribe, after exhausting any applicable Tribal remedies, may submit to the Secretary, at such time and in such form as the Secretary determines to be appropriate, a petition to review the compliance of an Indian Tribe participating in the program with the regulations of the Indian Tribe approved by the Secretary under subsection (c).

(2) VIOLATIONS.—If, after carrying out a review under paragraph (1), the Secretary determines that the Indian Tribe violated the

regulations, the Secretary, subject to paragraph (3)(B), may take any action the Secretary determines to be necessary to remedy the violation, including—

(A) rescinding the approval of the regulations; and

(B) reassuming the authority to grant rights-of-ways described in subsection (b)(2) delegated to the Indian Tribe under the program.

(3) DOCUMENTATION.—If the Secretary determines that the Indian Tribe violated the regulations and a remedy is necessary, the Secretary shall—

(A) submit to the Indian Tribe a written notification of the regulations that have been violated; and

(B) prior to the exercise of any remedy under paragraph (2), provide the Indian Tribe with—

(i) a hearing that is on the record; and

(ii) a reasonable opportunity to cure the alleged violation.

(h) SUNSET.—The authority of the Secretary to carry this section shall terminate 10 years after the date of enactment of this Act.

CHAPTER 3—CONNECTED DEVICES

SEC. 5131. E–RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER EQUIPMENT, AND CONNECTED DEVICES.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TELECOMMUNICATIONS AND INFORMATION SERVICES.—The term ''advanced telecommunications and information services'' means advanced telecommunications and information services, as that term is used in section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).

(2) CONNECTED DEVICE.—The term ''connected device'' means a laptop computer, tablet computer, or similar device that is capable of connecting to advanced telecommunications and information services.

(3) COVERED EQUIPMENT.—The term ''covered equipment'' means—

(A) Wi-Fi hotspots;

(B) modems;

(C) routers;

(D) devices that combine a modem and router; and

(E) connected devices.

(4) COVERED REGULATIONS.—The term ''covered regulations'' means the regulations promulgated under subsection (b).

(5) LIBRARY.—The term ''library'' includes a library consortium.

(6) WI-FI.—The term ''Wi-Fi'' means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(7) WI-FI HOTSPOT.—The term ''Wi-Fi hotspot'' means a device that is capable of—

(A) receiving mobile advanced telecommunications and information services; and

(B) sharing those services with another device through the use of Wi-Fi.

(b) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations providing for the provision, from amounts made available from the Connectivity Fund established under subsection (h)(1), of support under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library) eligible for support under that section, for the purchase of covered equipment, advanced telecommunications and information services, or covered equipment and advanced telecommunications and information services, for use by—

(1) in the case of a school, students and staff of the school at locations that include locations other than the school; and

(2) in the case of a library, patrons of the library at locations that include locations other than the library.

(c) TRIBAL ISSUES.—

(1) SET ASIDE FOR TRIBAL LANDS.—The Commission shall reserve not less than 5 percent of the amounts available to the Commission under subsection (h)(3) to provide support under the covered regulations to schools and libraries that serve individuals who are located on Tribal land.

(2) ELIGIBILITY OF TRIBAL LIBRARIES.—For purposes of determining the eligibility of a Tribal library for support under the covered regulations, the portion of paragraph (4) of section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) relating to eligibility for assistance from a State library administrative agency under the Library Services and Technology Act shall not apply.

(d) PRIORITIZATION OF SUPPORT.—The Commission shall provide in the covered regulations for a mechanism to require a school or library to prioritize the provision of covered equipment, advanced telecommunications and information services, or covered equipment and advanced telecommunications and information services, for which support is received under those regulations, to students and staff or patrons (as the case may be) that the school or library believes do not have access to covered equipment, do not have access to advanced telecommunications and information services, or have access to neither covered equipment nor advanced telecommunications and information services, at the residences of those students and staff or patrons.

(e) PERMISSIBLE USES OF EQUIPMENT.—The Commission shall provide in the covered regulations that, in the case of a school or library that purchases covered equipment using support received under those regulations, the school or library—

(1) may use the equipment for any purposes that the school or library considers appropriate, subject to any restrictions provided in those regulations (or any successor regulation); and

(2) may not sell or otherwise transfer the equipment in exchange for any thing (including a service) of value, except that the school or library may exchange the equipment for upgraded equipment of the same type.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any authority the Commission may have under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to allow support under that section to be used for the purposes described in subsection (b) of this section other than as required under that subsection.

(g) PART 54 REGULATIONS.—Nothing in this section shall be construed to prevent the Commission from providing that the regulations in part 54 of title 47, Code of Federal Regulations (or any successor regulation), with respect to support provided under the covered regulations—

(1) shall apply in whole or in part to that support;

(2) shall not apply in whole or in part to that support; or

(3) shall be modified in whole or in part for purposes of application to that support.

(h) CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Connectivity Fund''.

(2) APPROPRIATION.—There is appropriated to the Connectivity Fund, out of any money in the Treasury not otherwise appropriated, $12,000,000,000 for fiscal year 2021, to remain available until expended.

(3) USE OF FUNDS.—Amounts in the Connectivity Fund shall be available to the Commission to provide support under the covered regulations.

(4) RELATIONSHIP TO UNIVERSAL SERVICE CONTRIBUTIONS.—Support provided under covered regulations shall be provided from amounts made available under paragraph (3) and not from contributions under section 254(d) of the Communications Act of 1934 (47 U.S.C. 254(d)).

CHAPTER 4—DIGITAL EQUITY

SEC. 5141. SHORT TITLE.

This chapter may be cited as the ''Digital Equity Act of 2020''.

SEC. 5142. DEFINITIONS.

In this chapter:

(1) ADOPTION OF BROADBAND.—The term ''adoption of broadband'' means the process by which an individual obtains daily access to the internet—

(A) at a speed, quality, and capacity—

(i) that is necessary for the individual to accomplish common tasks; and

(ii) such that the access qualifies as an advanced telecommunications capability;

(B) with the digital skills that are necessary for the individual to participate online; and

(C) on a—

(i) personal device; and

(ii) secure and convenient network.

(2) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term ''advanced telecommunications capability'' has the meaning given the term in section 706(d) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)).

(3) AGING INDIVIDUAL.—The term ''aging individual'' has the meaning given the term ''older individual'' in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Energy and Commerce of the House of Representatives.

(5) COMMUNITY ANCHOR INSTITUTION.—The term ''community anchor institution'' means a public school, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.

(6) COVERED HOUSEHOLD.—The term ''covered household'' means a household, the taxable income of which for the most recently completed taxable year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

(7) COVERED POPULATIONS.—The term ''covered populations'' means—

(A) individuals who live in covered households;

(B) aging individuals;

(C) incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;

(D) veterans;

(E) individuals with disabilities;

(F) individuals with a language barrier, including individuals who—

(i) are English learners; and

(ii) have low levels of literacy;

(G) individuals who are members of a racial or ethnic minority group; and

(H) individuals who primarily reside in a rural area.

(8) COVERED PROGRAMS.—The term ''covered programs'' means—

(A) the State Digital Equity Capacity Grant Program established under section 5144; and

(B) the Digital Equity Competitive Grant Program established under section 5145.

(9) DIGITAL INCLUSION.—The term ''digital inclusion''—

(A) means the activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—

(i) reliable fixed and wireless broadband internet service;

(ii) internet-enabled devices that meet the needs of the user; and

(iii) applications and online content designed to enable and encourage self-sufficiency, participation, and collaboration; and

(B) includes—

(i) obtaining access to digital literacy training;

(ii) the provision of quality technical support; and

(iii) obtaining basic awareness of measures to ensure online privacy and cybersecurity.

(10) DIGITAL LITERACY.—The term ''digital literacy'' means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(11) DISABILITY.—The term ''disability'' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(12) ELIGIBLE STATE.—The term ''eligible State'' means—

(A) with respect to planning grants made available under section 5144(c)(3), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 5144(c)(3)(C); and

(B) with respect to capacity grants awarded under section 5144(d), a State with respect to which the Assistant Secretary has approved an application submitted to the Assistant Secretary under section 5144(d)(2), including approval of the State Digital Equity Plan developed by the State under section 5144(c).

(13) GENDER IDENTITY.—The term ''gender identity'' has the meaning given the term in section 249(c) of title 18, United States Code.

(14) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education''—

(A) has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) includes a postsecondary vocational institution.

(15) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 8101(30) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(30)).

(16) POSTSECONDARY VOCATIONAL INSTITUTION.—The term ''postsecondary vocational institution'' has the meaning given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

(17) RURAL AREA.—The term ''rural area'' has the meaning given the term in section 601(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(b)(3)).

(18) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERN.—The term ''socially and economically disadvantaged small business concern'' has the meaning given the term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

(19) STATE.—The term ''State'' means—

(A) any State of the United States;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(20) VETERAN.—The term ''veteran'' has the meaning given the term in section 101 of title 38, United States Code.

(21) WORKFORCE DEVELOPMENT PROGRAM.—The term ''workforce development program'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 5143. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) a broadband connection and digital literacy are increasingly critical to how individuals—

(A) participate in the society, economy, and civic institutions of the United States; and

(B) access health care and essential services, obtain education, and build careers;

(2) digital exclusion—

(A) carries a high societal and economic cost;

(B) materially harms the opportunity of an individual with respect to the economic success, educational achievement, positive health outcomes, social inclusion, and civic engagement of that individual; and

(C) exacerbates existing wealth and income gaps, especially those experienced by covered populations;

(3) achieving digital equity for all people of the United States requires additional and sustained investment and research efforts;

(4) the Federal Government, as well as State, Tribal, territorial, and local governments, have made social, legal, and economic obligations that necessarily extend to how the citizens and residents of those governments access and use the internet; and

(5) achieving digital equity is a matter of social and economic justice and is worth pursuing.

SEC. 5144. STATE DIGITAL EQUITY CAPACITY GRANT PROGRAM.

(a) ESTABLISHMENT; PURPOSE.—

(1) IN GENERAL.—The Assistant Secretary shall establish in the Department of Commerce the State Digital Equity Capacity Grant Program (referred to in this section as the ''Program'')—

(A) the purpose of which is to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by States relating to the adoption of broadband by residents of those States;

(B) through which the Assistant Secretary shall make grants to States in accordance with the requirements of this section; and

(C) which shall ensure that States have the capacity to promote the achievement of digital equity and support digital inclusion activities.

(2) CONSULTATION WITH OTHER FEDERAL AGENCIES; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary shall—

(A) consult with—

(i) the Secretary of Agriculture;

(ii) the Secretary of Housing and Urban Development;

(iii) the Secretary of Education;

(iv) the Secretary of Labor;

(v) the Secretary of Health and Human Services;

(vi) the Secretary of Veterans Affairs;

(vii) the Secretary of the Interior;

(viii) the Commission;

(ix) the Federal Trade Commission;

(x) the Director of the Institute of Museum and Library Services;

(xi) the Administrator of the Small Business Administration;

(xii) the Federal Co-Chair of the Appalachian Regional Commission; and

(xiii) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(B) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ADMINISTERING ENTITY.—

(1) SELECTION; FUNCTION.—The governor (or equivalent official) of a State that wishes to be awarded a grant under this section shall, from among entities that are eligible under paragraph (2), select an administering entity for that State, which shall—

(A) serve as the recipient of, and administering agent for, any grant awarded to the State under this section;

(B) develop, implement, and oversee the State Digital Equity Plan for the State described in subsection (c);

(C) make subgrants to any entity described in subsection (c)(1)(D) that is located in the State in support of—

(i) the State Digital Equity Plan for the State; and

(ii) digital inclusion activities in the State generally; and

(D) serve as—

(i) an advocate for digital equity policy and digital inclusion activities; and

(ii) a repository of best practice materials regarding the policies and activities described in clause (i).

(2) ELIGIBLE ENTITIES.—Any of the following entities may serve as the administering entity for a State for the purposes of this section if the entity has demonstrated a capacity to administer the Program on a statewide level:

(A) The State, a political subdivision, agency, or instrumentality of the State, an Indian Tribe located in the State, an Alaska Native entity located in the State, or a Native Hawaiian organization located in the State.

(B) A foundation, corporation, institution, association, or coalition that is—

(i) a not-for-profit entity;

(ii) located in the State; and

(iii) not a school.

(C) A community anchor institution, other than a school, that is located in the State.

(D) A local educational agency that is located in the State.

(E) An entity located in the State that carries out a workforce development program.

(F) An agency of the State that is responsible for administering or supervising adult education and literacy activities in the State.

(G) A public housing authority that is located in the State.

(H) A partnership between any of the entities described in subparagraphs (A) through (G).

(c) STATE DIGITAL EQUITY PLAN.—

(1) DEVELOPMENT; CONTENTS.—A State that wishes to be awarded a grant under subsection (d) shall develop a State Digital Equity Plan for the State, which shall include—

(A) the identification of the barriers to digital equity faced by covered populations in the State;

(B) measurable objectives for documenting and promoting, among each group described in subparagraphs (A) through (H) of section 5142(7) located in that State—

(i) the availability of, and affordability of access to, fixed and wireless broadband technology;

(ii) the online accessibility and inclusivity of public resources and services;

(iii) digital literacy;

(iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and

(v) the availability and affordability of consumer devices and technical support for those devices;

(C) an assessment of how the objectives described in subparagraph (B) will impact and interact with the State's—

(i) economic and workforce development goals, plans, and outcomes;
(ii) educational outcomes;
(iii) health outcomes;
(iv) civic and social engagement; and
(v) delivery of other essential services;
(D) in order to achieve the objectives described in subparagraph (B), a description of how the State plans to collaborate with key stakeholders in the State, which may include—
(i) community anchor institutions;
(ii) county and municipal governments;
(iii) local educational agencies;
(iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations;
(v) nonprofit organizations;
(vi) organizations that represent—
(I) individuals with disabilities, including organizations that represent children with disabilities;
(II) aging individuals;
(III) individuals with language barriers, including—
(aa) individuals who are English learners; and
(bb) individuals who have low levels of literacy;
(IV) veterans; and
(V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities;
(vii) civil rights organizations;
(viii) entities that carry out workforce development programs;
(ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State;
(x) public housing authorities in the State; and
(xi) a partnership between any of the entities described in clauses (i) through (x); and
(E) a list of organizations with which the administering entity for the State collaborated in developing and implementing the Plan.
(2) PUBLIC AVAILABILITY.—
(A) IN GENERAL.—The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment for a period of not less than 30 days before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).
(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2)—
(i) before submitting the application—
(I) consider all comments received during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the ''comment period''); and
(II) make any changes to the plan that the administering entity determines to be worthwhile; and
(ii) when submitting the application—
(I) describe any changes pursued by the administering entity in response to comments received during the comment period; and
(II) include a written response to each comment received during the comment period.
(3) PLANNING GRANTS.—
(A) IN GENERAL.—Beginning in the first fiscal year that begins after the date of enactment of this Act, the Assistant Secretary shall, in accordance with the requirements of this paragraph, award planning grants to States for the purpose of developing the State Digital Equity Plans of those States under this subsection.
(B) ELIGIBILITY.—In order to be awarded a planning grant under this paragraph, a State—
(i) shall submit to the Assistant Secretary an application under subparagraph (C); and
(ii) may not have been awarded, at any time, a planning grant under this paragraph.
(C) APPLICATION.—A State that wishes to be awarded a planning grant under this paragraph shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:
(i) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).
(ii) A certification from the State that, not later than 1 year after the date on which the Assistant Secretary awards the planning grant to the State, the administering entity for that State shall develop a State Digital Equity Plan under this subsection, which—
(I) the administering entity shall submit to the Assistant Secretary; and
(II) shall comply with the requirements of this subsection, including the requirement under paragraph (2)(B).
(iii) The assurances required under subsection (e).
(D) AWARDS.—
(i) AMOUNT OF GRANT.—A planning grant awarded to an eligible State under this paragraph shall be determined according to the formula under subsection (d)(3)(A)(i).
(ii) DURATION.—
(I) IN GENERAL.—Except as provided in subclause (II), with respect to a planning grant awarded to an eligible State under this paragraph, the State shall expend the grant funds during the 1-year period beginning on the date on which the State is awarded the grant funds.
(II) EXCEPTION.—The Assistant Secretary may grant an extension of not longer than 180 days with respect to the requirement under subclause (I).
(iii) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a planning grant is awarded under this paragraph may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under clause (i).
(E) USE OF FUNDS.—An eligible State to which a planning grant is awarded under this paragraph shall, through the administering entity for that State, use the grant funds only for the following purposes:
(i) To develop the State Digital Equity Plan of the State under this subsection.
(ii)(I) Subject to subclause (II), to make subgrants to any of the entities described in paragraph (1)(D) to assist in the development of the State Digital Equity Plan of the State under this subsection.
(II) If the administering entity for a State makes a subgrant described in subclause (I), the administering entity shall, with respect to the subgrant, provide to the State the assurances required under subsection (e).
(d) STATE CAPACITY GRANTS.—
(1) IN GENERAL.—Beginning not later than 2 years after the date on which the Assistant Secretary begins awarding planning grants under subsection (c)(3), the Assistant Secretary shall each year award grants to eligible States to support—
(A) the implementation of the State Digital Equity Plans of those States; and
(B) digital inclusion activities in those States.
(2) APPLICATION.—A State that wishes to be awarded a grant under this subsection shall, not later than 60 days after the date on which the notice of funding availability with respect to the grant is released, submit to the Assistant Secretary an application, in a format to be determined by the Assistant Secretary, that contains the following materials:
(A) A description of the entity selected to serve as the administering entity for the State, as described in subsection (b).
(B) The State Digital Equity Plan of that State, as described in subsection (c).
(C) A certification that the State, acting through the administering entity for the State, shall—
(i) implement the State Digital Equity Plan of the State; and
(ii) make grants in a manner that is consistent with the aims of the Plan described in clause (i).
(D) The assurances required under subsection (e).
(E) In the case of a State to which the Assistant Secretary has previously awarded a grant under this subsection, any amendments to the State Digital Equity Plan of that State, as compared with the State Digital Equity Plan of the State previously submitted.
(3) AWARDS.—
(A) AMOUNT OF GRANT.—
(i) FORMULA.—Subject to clauses (ii), (iii), and (iv), the Assistant Secretary shall calculate the amount of a grant awarded to an eligible State under this subsection in accordance with the following criteria, using the best available data for all States for the fiscal year in which the grant is awarded:
(I) 50 percent of the total grant amount shall be based on the population of the eligible State in proportion to the total population of all eligible States.
(II) 25 percent of the total grant amount shall be based on the number of individuals in the eligible State who are covered populations in proportion to the total number of individuals in all eligible States who are covered populations.
(III) 25 percent of the total grant amount shall be based on the comparative lack of availability and adoption of broadband in the eligible State in proportion to the lack of availability and adoption of broadband of all eligible States, which shall be determined according to data collected from—
(aa) the annual inquiry of the Commission conducted under section 706(b) of the Telecommunications Act of 1996 (47 U.S.C. 1302(b));
(bb) the American Community Survey or, if necessary, other data collected by the Bureau of the Census;
(cc) the Internet and Computer Use Supplement to the Current Population Survey of the Bureau of the Census; and
(dd) any other source that the Assistant Secretary, after appropriate notice and opportunity for public comment, determines to be appropriate.
(ii) MINIMUM AWARD.—The amount of a grant awarded to an eligible State under this subsection in a fiscal year shall be not less than 0.5 percent of the total amount made available to award grants to eligible States for that fiscal year.
(iii) ADDITIONAL AMOUNTS.—If, after awarding planning grants to States under subsection (c)(3) and capacity grants to eligible States under this subsection in a fiscal year, there are amounts remaining to carry out this section, the Assistant Secretary shall distribute those amounts—
(I) to eligible States to which the Assistant Secretary has awarded grants under this subsection for that fiscal year; and
(II) in accordance with the formula described in clause (i).
(iv) DATA UNAVAILABLE.—If, in a fiscal year, the Commonwealth of Puerto Rico (referred to in this clause as ''Puerto Rico'') is

an eligible State and specific data for Puerto Rico is unavailable for a factor described in subclause (I), (II), or (II) of clause (i), the Assistant Secretary shall use the median data point with respect to that factor among all eligible States and assign it to Puerto Rico for the purposes of making any calculation under that clause for that fiscal year.

(B) DURATION.—With respect to a grant awarded to an eligible State under this subsection, the eligible State shall expend the grant funds during the 5-year period beginning on the date on which the eligible State is awarded the grant funds.

(C) CHALLENGE MECHANISM.—The Assistant Secretary shall ensure that any eligible State to which a grant is awarded under this subsection may appeal or otherwise challenge in a timely fashion the amount of the grant awarded to the State, as determined under subparagraph (A).

(D) USE OF FUNDS.—The administering entity for an eligible State to which a grant is awarded under this subsection shall use the grant amounts for the following purposes:

(i)(I) Subject to subclause (II), to update or maintain the State Digital Equity Plan of the State.

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 20 percent of the amount of the grant for the purpose described in subclause (I).

(ii) To implement the State Digital Equity Plan of the State.

(iii)(I) Subject to subclause (II), to award a grant to any entity that is described in section 5145(b) and is located in the eligible State in order to—

(aa) assist in the implementation of the State Digital Equity Plan of the State;

(bb) pursue digital inclusion activities in the State consistent with the State Digital Equity Plan of the State; and

(cc) report to the State regarding the digital inclusion activities of the entity.

(II) Before an administering entity for an eligible State may award a grant under subclause (I), the administering entity shall require the entity to which the grant is awarded to certify that—

(aa) the entity shall carry out the activities required under items (aa), (bb), and (cc) of that subclause;

(bb) the receipt of the grant shall not result in unjust enrichment of the entity; and

(cc) the entity shall cooperate with any evaluation—

(AA) of any program that relates to a grant awarded to the entity; and

(BB) that is carried out by or for the administering entity, the Assistant Secretary, or another Federal official.

(iv)(I) Subject to subclause (II), to evaluate the efficacy of the efforts funded by grants made under clause (iii).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 5 percent of the amount of the grant for a purpose described in subclause (I).

(v)(I) Subject to subclause (II), for the administrative costs incurred in carrying out the activities described in clauses (i) through (iv).

(II) An administering entity for an eligible State to which a grant is awarded under this subsection may use not more than 3 percent of the amount of the grant for a purpose described in subclause (I).

(e) ASSURANCES.—When applying for a grant under this section, a State shall include in the application for that grant assurances that—

(1) if an entity described in section 5145(b) is awarded grant funds under this section (referred to in this subsection as a ''covered recipient''), provide that—

(A) the covered recipient shall use the grant funds in accordance with any applicable statute, regulation, and application procedure;

(B) the administering entity for that State shall adopt and use proper methods of administering any grant that the covered recipient is awarded, including by—

(i) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out the program to which the grant relates;

(ii) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(iii) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates; and

(C) the administering entity for that State shall cooperate in carrying out any evaluation—

(i) of any program that relates to a grant awarded to the covered recipient; and

(ii) that is carried out by or for the Assistant Secretary or another Federal official;

(2) the administering entity for that State shall—

(A) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the State is awarded under this section;

(B) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section;

(C) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under this section; and

(D) with respect to any significant proposed change or amendment to the State Digital Equity Plan for the State, make the change or amendment available for public comment in accordance with subsection (c)(2); and

(3) the State, before submitting to the Assistant Secretary the State Digital Equity Plan of the State, has complied with the requirements of subsection (c)(2).

(f) TERMINATION OF GRANT.—

(1) IN GENERAL.—The Assistant Secretary shall terminate a grant awarded to an eligible State under this section if, after notice to the State and opportunity for a hearing, the Assistant Secretary—

(A) presents to the State a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not contributing to the development or execution of the State Digital Equity Plan of the State, as applicable; and

(ii) the State is not upholding assurances made by the State to the Assistant Secretary under subsection (e); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant.

(2) REDISTRIBUTION.—If the Assistant Secretary, in a fiscal year, terminates a grant under paragraph (1), the Assistant Secretary shall redistribute the unspent grant amounts—

(A) to eligible States to which the Assistant Secretary has awarded grants under subsection (d) for that fiscal year; and

(B) in accordance with the formula described in subsection (d)(3)(A)(i).

(g) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which a grant, including a subgrant, is awarded under this section to publicly report, for each year during the period described in subsection (c)(3)(D)(ii) or (d)(3)(B), as applicable, with respect to the grant, and in a format specified by the Assistant Secretary, on—

(i) the use of that grant by the entity;

(ii) the progress of the entity towards fulfilling the objectives for which the grant was awarded; and

(iii) the implementation of the State Digital Equity Plan of the State;

(B) establish appropriate mechanisms to ensure that each eligible State to which a grant is awarded under this section—

(i) uses the grant amounts in an appropriate manner; and

(ii) complies with all terms with respect to the use of the grant amounts; and

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) the application of each State that has applied for a grant under this section;

(ii) the status of each application described in clause (i);

(iii) each report submitted by an entity under subparagraph (A);

(iv) a record of public comments made regarding the State Digital Equity Plan of a State, as well as any written responses to or actions taken in as a result of those comments; and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this section; and

(2) may establish additional reporting and information requirements for any recipient of a grant under this section.

(h) SUPPLEMENT NOT SUPPLANT.—A grant or subgrant awarded under this section shall supplement, not supplant, other Federal or State funds that have been made available to carry out activities described in this section.

(i) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) not more than 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to—

(i) States, or administering entities for States, to prepare the applications of those States; and

(ii) administering entities with respect to grants awarded under this section; and

(C) developing the report required under section 5146(a);

(2) not less than 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) not less than 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(j) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $120,000,000 for the award of grants under subsection (c)(3), which shall remain available until expended;

(2) for each of the first 5 fiscal years in which amounts are made available to award grants under subsection (d), $250,000,000 for the award of those grants; and

(3) such sums as may be necessary to carry out this section for each fiscal year after the end of the 5-fiscal year period described in paragraph (2).

SEC. 5145. DIGITAL EQUITY COMPETITIVE GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 30 days after the date on which the Assistant Secretary begins awarding grants under section 5144(d), and not before that date, the Assistant Secretary shall establish in the Department of Commerce the Digital Equity Competitive Grant Program (referred to in this section as the ''Program''), the purpose of which is to award grants to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations.

(2) CONSULTATION; NO CONFLICT.—In establishing the Program under paragraph (1), the Assistant Secretary—

(A) may consult a State with respect to—

(i) the identification of groups described in subparagraphs (A) through (H) of section 5142(7) located in that State; and

(ii) the allocation of grant funds within that State for projects in or affecting the State; and

(B) shall—

(i) consult with—

(I) the Secretary of Agriculture;

(II) the Secretary of Housing and Urban Development;

(III) the Secretary of Education;

(IV) the Secretary of Labor;

(V) the Secretary of Health and Human Services;

(VI) the Secretary of Veterans Affairs;

(VII) the Secretary of the Interior;

(VIII) the Commission;

(IX) the Federal Trade Commission;

(X) the Director of the Institute of Museum and Library Services;

(XI) the Administrator of the Small Business Administration;

(XII) the Federal Co-Chair of the Appalachian Regional Commission; and

(XIII) the head of any other agency that the Assistant Secretary determines to be appropriate; and

(ii) ensure that the Program complements and enhances, and does not conflict with, other Federal broadband initiatives and programs.

(b) ELIGIBILITY.—The Assistant Secretary may award a grant under the Program to any of the following entities if the entity is not serving, and has not served, as the administering entity for a State under section 5144(b):

(1) A political subdivision, agency, or instrumentality of a State, including an agency of a State that is responsible for administering or supervising adult education and literacy activities in the State.

(2) An Indian Tribe, an Alaska Native entity, or a Native Hawaiian organization.

(3) A foundation, corporation, institution, or association that is—

(A) a not-for-profit entity; and

(B) not a school.

(4) A community anchor institution.

(5) A local educational agency.

(6) An entity that carries out a workforce development program.

(7) A partnership between any of the entities described in paragraphs (1) through (6).

(8) A partnership between—

(A) an entity described in any of paragraphs (1) through (6); and

(B) an entity that—

(i) the Assistant Secretary, by rule, determines to be in the public interest; and

(ii) is not a school.

(c) APPLICATION.—An entity that wishes to be awarded a grant under the Program shall submit to the Assistant Secretary an application—

(1) at such time, in such form, and containing such information as the Assistant Secretary may require; and

(2) that—

(A) provides a detailed explanation of how the entity will use any grant amounts awarded under the Program to carry out the purposes of the Program in an efficient and expeditious manner;

(B) identifies the period in which the applicant will expend the grant funds awarded under the Program;

(C) includes—

(i) a justification for the amount of the grant that the applicant is requesting; and

(ii) for each fiscal year in which the applicant will expend the grant funds, a budget for the activities that the grant funds will support;

(D) demonstrates to the satisfaction of the Assistant Secretary that the entity—

(i) is capable of carrying out—

(I) the project or function to which the application relates; and

(II) the activities described in subsection (h)—

(aa) in a competent manner; and

(bb) in compliance with all applicable Federal, State, and local laws; and

(ii) if the applicant is an entity described in subsection (b)(1), shall appropriate or otherwise unconditionally obligate from non-Federal sources funds that are necessary to meet the requirements of subsection (e);

(E) discloses to the Assistant Secretary the source and amount of other Federal, State, or outside funding sources from which the entity receives, or has applied for, funding for activities or projects to which the application relates; and

(F) provides—

(i) the assurances that are required under subsection (f); and

(ii) an assurance that the entity shall follow such additional procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(d) AWARD OF GRANTS.—

(1) FACTORS CONSIDERED IN AWARD OF GRANTS.—In deciding whether to award a grant under the Program, the Assistant Secretary shall, to the extent practicable, consider—

(A) whether—

(i) an application shall, if approved—

(I) increase internet access and the adoption of broadband among covered populations to be served by the applicant; and

(II) not result in unjust enrichment; and

(ii) the applicant is, or plans to subcontract with, a socially and economically disadvantaged small business concern;

(B) the comparative geographic diversity of the application in relation to other eligible applications; and

(C) the extent to which an application may duplicate or conflict with another program.

(2) USE OF FUNDS.—

(A) IN GENERAL.—In addition to the activities required under subparagraph (B), an entity to which the Assistant Secretary awards a grant under the Program shall use the grant amounts to support not less than 1 of the following activities:

(i) To develop and implement digital inclusion activities that benefit covered populations.

(ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations.

(iii) To implement, consistent with the purposes of this chapter—

(I) training programs for covered populations that cover basic, advanced, and applied skills; or

(II) other workforce development programs.

(iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost.

(v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions.

(vi) To undertake any other project and activity that the Assistant Secretary finds to be consistent with the purposes for which the Program is established.

(B) EVALUATION.—

(i) IN GENERAL.—An entity to which the Assistant Secretary awards a grant under the Program shall use not more than 10 percent of the grant amounts to measure and evaluate the activities supported with the grant amounts.

(ii) SUBMISSION TO ASSISTANT SECRETARY.—An entity to which the Assistant Secretary awards a grant under the Program shall submit to the Assistant Secretary each measurement and evaluation performed under clause (i)—

(I) in a manner specified by the Assistant Secretary;

(II) not later than 15 months after the date on which the entity is awarded the grant amounts; and

(III) annually after the submission described in subclause (II) for any year in which the entity expends grant amounts.

(C) ADMINISTRATIVE COSTS.—An entity to which the Assistant Secretary awards a grant under the Program may use not more than 10 percent of the amount of the grant for administrative costs in carrying out any of the activities described in subparagraph (A).

(D) TIME LIMITATIONS.—With respect to a grant awarded to an entity under the Program, the entity—

(i) except as provided in clause (ii), shall expend the grant amounts during the 4-year period beginning on the date on which the entity is awarded the grant amounts; and

(ii) during the 1-year period beginning on the date that is 4 years after the date on which the entity is awarded the grant amounts, may continue to measure and evaluate the activities supported with the grant amounts, as required under subparagraph (B).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of any project for which the Assistant Secretary awards a grant under the Program may not exceed 90 percent.

(2) EXCEPTION.—The Assistant Secretary may grant a waiver with respect to the limitation on the Federal share of a project described in paragraph (1) if—

(A) the applicant with respect to the project petitions the Assistant Secretary for the waiver; and

(B) the Assistant Secretary determines that the petition described in subparagraph (A) demonstrates financial need.

(f) ASSURANCES.—When applying for a grant under this section, an entity shall include in the application for that grant assurances that the entity shall—

(1) use any grant funds that the entity is awarded—

(A) in accordance with any applicable statute, regulation, and application procedure; and

(B) to the extent required under applicable law;

(2) adopt and use proper methods of administering any grant that the entity is awarded, including by—

(A) enforcing any obligation imposed under law on any agency, institution, organization, or other entity that is responsible for carrying out a program to which the grant relates;

(B) correcting any deficiency in the operation of a program to which the grant relates, as identified through an audit or another monitoring or evaluation procedure; and

(C) adopting written procedures for the receipt and resolution of complaints alleging a violation of law with respect to a program to which the grant relates;

(3) cooperate with respect to any evaluation—

(A) of any program that relates to a grant awarded to the entity; and

(B) that is carried out by or for the Assistant Secretary or another Federal official;

(4) use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, any Federal funds that the entity is awarded under the Program;

(5) submit to the Assistant Secretary any reports that may be necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program; and

(6) maintain any records and provide any information to the Assistant Secretary, including those records, that the Assistant Secretary determines is necessary to enable the Assistant Secretary to perform the duties of the Assistant Secretary under the Program.

(g) DEOBLIGATION OR TERMINATION OF GRANT.—In addition to other authority under applicable law, the Assistant Secretary may—

(1) deobligate or terminate a grant awarded to an entity under this section if, after notice to the entity and opportunity for a hearing, the Assistant Secretary—

(A) presents to the entity a rationale and supporting information that clearly demonstrates that—

(i) the grant funds are not being used in a manner that is consistent with the application with respect to the grant submitted by the entity under subsection (c); and

(ii) the entity is not upholding assurances made by the entity to the Assistant Secretary under subsection (f); and

(B) determines that the grant is no longer necessary to achieve the original purpose for which Assistant Secretary awarded the grant; and

(2) with respect to any grant funds that the Assistant Secretary deobligates or terminates under paragraph (1), competitively award the grant funds to another applicant, consistent with the requirements of this section.

(h) REPORTING AND INFORMATION REQUIREMENTS; INTERNET DISCLOSURE.—The Assistant Secretary—

(1) shall—

(A) require any entity to which the Assistant Secretary awards a grant under the Program to, for each year during the period described in subsection (d)(2)(D) with respect to the grant, submit to the Assistant Secretary a report, in a format specified by the Assistant Secretary, regarding—

(i) the amount of the grant;

(ii) the use by the entity of the grant amounts; and

(iii) the progress of the entity towards fulfilling the objectives for which the grant was awarded;

(B) establish mechanisms to ensure appropriate use of, and compliance with respect to all terms regarding, grant funds awarded under the Program;

(C) create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum—

(i) a list of each entity that has applied for a grant under the Program;

(ii) a description of each application described in clause (i), including the proposed purpose of each grant described in that clause;

(iii) the status of each application described in clause (i), including whether the Assistant Secretary has awarded a grant with respect to the application and, if so, the amount of the grant;

(iv) each report submitted by an entity under subparagraph (A); and

(v) any other information that is sufficient to allow the public to understand and monitor grants awarded under the Program; and

(D) ensure that any entity with respect to which an award is deobligated or terminated under subsection (g) may, in a timely manner, appeal or otherwise challenge that deobligation or termination, as applicable; and

(2) may establish additional reporting and information requirements for any recipient of a grant under the Program.

(i) SUPPLEMENT NOT SUPPLANT.—A grant awarded to an entity under the Program shall supplement, not supplant, other Federal or State funds that have been made available to the entity to carry out activities described in this section.

(j) SET ASIDES.—From amounts made available in a fiscal year to carry out the Program, the Assistant Secretary shall reserve—

(1) 5 percent for the implementation and administration of the Program, which shall include—

(A) providing technical support and assistance, including ensuring consistency in data reporting;

(B) providing assistance to entities to prepare the applications of those entities with respect to grants awarded under this section;

(C) developing the report required under section 5146(a); and

(D) conducting outreach to entities that may be eligible to be awarded a grant under the Program regarding opportunities to apply for such a grant;

(2) 5 percent to award grants to, or enter into contracts or cooperative agreements with, Indian Tribes, Alaska Native entities, and Native Hawaiian organizations to allow those tribes, entities, and organizations to carry out the activities described in this section; and

(3) 1 percent to award grants to, or enter into contracts or cooperative agreements with, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States that is not a State to enable those entities to carry out the activities described in this section.

(k) RULES.—The Assistant Secretary may prescribe such rules as may be necessary to carry out this section.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $250,000,000 for each of the first 5 fiscal years in which funds are made available to carry out this section; and

(2) such sums as may be necessary for each fiscal year after the end of the 5-fiscal year period described in paragraph (1).

SEC. 5146. POLICY RESEARCH, DATA COLLECTION, ANALYSIS AND MODELING, EVALUATION, AND DISSEMINATION.

(a) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Assistant Secretary begins awarding grants under section 5144(d)(1), and annually thereafter, the Assistant Secretary shall—

(A) submit to the appropriate committees of Congress a report that documents, for the year covered by the report—

(i) the findings of each evaluation conducted under subparagraph (B);

(ii) a list of each grant awarded under each covered program, which shall include—

(I) the amount of each such grant;

(II) the recipient of each such grant; and

(III) the purpose for which each such grant was awarded;

(iii) any deobligation, termination, or modification of a grant awarded under the covered programs, which shall include a description of the subsequent usage of any funds to which such an action applies; and

(iv) each challenge made by an applicant for, or a recipient of, a grant under the covered programs and the outcome of each such challenge; and

(B) conduct evaluations of the activities carried out under the covered programs, which shall include an evaluation of—

(i) whether eligible States to which grants are awarded under the program established under section 5144 are—

(I) abiding by the assurances made by those States under subsection (e) of that section;

(II) meeting, or have met, the stated goals of the Digital Equity Plans developed by the States under subsection (c) of that section;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (g) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program; and

(ii) whether entities to which grants are awarded under the program established under section 5145 are—

(I) abiding by the assurances made by those entities under subsection (f) of that section;

(II) meeting, or have met, the stated goals of those entities with respect to the use of the grant amounts;

(III) satisfying the requirements imposed by the Assistant Secretary on those States under subsection (h) of that section; and

(IV) in compliance with any other rules, requirements, or regulations promulgated by the Assistant Secretary in implementing that program.

(2) PUBLIC AVAILABILITY.—The Assistant Secretary shall make each report submitted under paragraph (1)(A) publicly available in an online format that—

(A) facilitates access and ease of use;

(B) is searchable; and

(C) is accessible—

(i) to individuals with disabilities; and

(ii) in languages other than English.

(b) AUTHORITY TO CONTRACT AND ENTER INTO OTHER ARRANGEMENTS.—The Assistant Secretary may award grants and enter into contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise that the Assistant Secretary determines appropriate in order to—

(1) evaluate the impact and efficacy of activities supported by grants awarded under the covered programs; and

(2) develop, catalog, disseminate, and promote the exchange of best practices, both with respect to and independent of the covered programs, in order to achieve digital equity.

(c) CONSULTATION AND PUBLIC ENGAGEMENT.—In carrying out subsection (a), and to further the objectives described in paragraphs (1) and (2) of subsection (b), the Assistant Secretary shall conduct ongoing collaboration and consult with—

(1) the Secretary of Agriculture;

(2) the Secretary of Housing and Urban Development;

(3) the Secretary of Education;

(4) the Secretary of Labor;

(5) the Secretary of Health and Human Services;

(6) the Secretary of Veterans Affairs;

(7) the Secretary of the Interior;

(8) the Commission;

(9) the Federal Trade Commission;

(10) the Director of the Institute of Museum and Library Services;

(11) the Administrator of the Small Business Administration;

(12) the Federal Co-Chair of the Appalachian Regional Commission;

(13) State agencies and governors of States (or equivalent officials);

(14) entities serving as administering entities for States under section 5144(b);

(15) national, State, Tribal, and local organizations that provide digital inclusion, digital equity, or digital literacy services;

(16) researchers, academics, and philanthropic organizations; and

(17) other agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders, as determined appropriate by the Assistant Secretary.

(d) TECHNICAL SUPPORT AND ASSISTANCE.—The Assistant Secretary shall provide technical support and assistance, assistance to entities to prepare the applications of those entities with respect to grants awarded under the covered programs, and other resources, to the extent practicable, to ensure consistency in data reporting and to meet the objectives of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which shall remain available until expended.

SEC. 5147. GENERAL PROVISIONS.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—No individual in the United States may, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is funded in whole or in part with funds made available under this chapter.

(2) ENFORCEMENT.—The Assistant Secretary shall effectuate paragraph (1) with respect to any program or activity described in that paragraph by issuing regulations and taking actions consistent with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) JUDICIAL REVIEW.—Judicial review of an action taken by the Assistant Secretary under paragraph (2) shall be available to the extent provided in section 603 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2).

(b) TECHNOLOGICAL NEUTRALITY.—The Assistant Secretary shall, to the extent practicable, carry out this chapter in a technologically neutral manner.

(c) AUDIT AND OVERSIGHT.—Beginning in the first fiscal year in which amounts are made available to carry out an activity authorized under this chapter, and in each of the 4 fiscal years thereafter, there is authorized to be appropriated to the Office of Inspector General for the Department of Commerce $1,000,000 for audits and oversight of funds made available to carry out this chapter, which shall remain available until expended.

Subtitle B—Affordable Housing and Community Investments and Restoring Fair Housing Protections

SEC. 5201. AFFORDABLE HOUSING AND COMMUNITY INVESTMENTS AND RESTORING FAIR HOUSING PROTECTIONS.

(a) DEFINITIONS.—In this section:

(1) CONSOLIDATED PLAN.—The term ''consolidated plan'' means a comprehensive housing affordability strategy and community development plan required under part 91 of title 24, Code of Federal Regulations, or any successor regulation.

(2) DEPARTMENT.—The term ''Department'' means the Department of Housing and Urban Development.

(3) HIGH-POVERTY AREA.—The term ''high-poverty area'' means a census tract with a poverty rate of not less than 20 percent for the duration of the 5-year period ending on the date of enactment of this Act.

(4) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(5) PUBLIC HOUSING; PUBLIC HOUSING AGENCY.—The terms ''public housing'' and ''public housing agency'' have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(7) TRIBALLY DESIGNATED HOUSING ENTITY.—The term ''tribally designated housing entity'' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) INVESTMENTS IN AFFORDABLE HOUSING, FAIR HOUSING, AND COMMUNITY DEVELOPMENT.—

(1) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.—

(A) APPROPRIATIONS.—

(i) IN GENERAL.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $15,000,000,000 for assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), to remain available until September 30, 2024.

(ii) LIMITATIONS.—Not more than 15 percent of any amounts made available pursuant to clause (i) may be used by a grantee for administrative and planning costs, except that up to an additional 5 percent may be used to—

(I) support local initiatives, policies, programs, and ordinances that support the creation of housing affordable to households with incomes at or below 80 percent of area median income, as defined by the Secretary, throughout the jurisdiction served by the grantee; or

(II) support the community engagement and outreach activities required under subparagraph (E).

(iii) TECHNICAL ASSISTANCE.—Of the amounts appropriated under clause (i), $25,000,000 shall be used for technical assistance to grantees of funds made available under this paragraph to—

(I) support—

(aa) the development of displacement prevention plans under subparagraph (C) and coordination plans under subparagraph (D); and

(bb) the community engagement and outreach activities required under subparagraph (E); and

(II) perform fair housing planning.

(B) ACTIVITIES DEDICATED TO HIGH-POVERTY AREAS.—

(i) IN GENERAL.—Activities funded from amounts made available under this paragraph shall be conducted in, or for the benefit of residents of and businesses located in—

(I) a high-poverty area; or

(II) a sub-area within a high-poverty area that also has a poverty rate of not less than 20 percent.

(ii) EXCEPTION FOR AFFORDABLE HOUSING.—Housing activities funded from amounts made available under this paragraph to create, acquire, or renovate housing affordable to households with incomes at or below 80 percent of area median income, as defined by the Secretary, may be conducted in or for the benefit of those households throughout the jurisdiction.

(C) DISPLACEMENT PREVENTION PLAN.—Each grantee of funds made available under this paragraph shall develop a plan, to be included within the amended consolidated plan of the grantee, to prevent displacement of existing residents and businesses, which shall—

(i) provide an analysis of whether new investments from funds made available under this paragraph or other factors related to these investments would lead to the displacement of existing homeowners, renters, or businesses in high-poverty areas or areas adjacent to high-poverty areas; and

(ii) outline strategies that the grantee will implement to monitor and to prevent the displacement described in clause (i) and to ensure the future availability of housing affordable to low- and moderate-income households in investment areas.

(D) COORDINATION WITH OTHER FEDERAL FUNDS AND GRANTEES.—Each grantee of funds made available under this paragraph shall develop a plan, to be included within the amended consolidated plan of the grantee, that shall discuss how the grantee plans to coordinate the expenditures of the grantee under this paragraph with—

(i) any other grant funds the grantee will receive under this Act;

(ii) any other Federal grants or other assistance available to the grantee that could be used to further the purposes of this section;

(iii) the efforts of other grantees operating within the jurisdiction of the grantee, including technical assistance providers, to further the purposes of this section; and

(iv) tax credits available to households under this section.

(E) ENHANCED COMMUNITY ENGAGEMENT AND SECTION 3 OUTREACH.—

(i) IN GENERAL.—In developing the required amendment to the consolidated plan of a grantee describing the use of funds by a grantee under this paragraph, the grantee shall conduct additional outreach to solicit comment from—

(I) organizations with experience in fair housing;

(II) organizations with experience in affordable housing;

(III) organizations providing services for persons with disabilities;

(IV) homelessness service organizations;

(V) housing counseling organizations;

(VI) organizations providing culturally competent services for underserved populations or populations with limited English proficiency; and

(VII) residents of and small businesses in high-poverty areas in the jurisdiction served by the grantee.

(ii) SECTION 3.—Each grantee of funds made available under this paragraph shall conduct outreach to residents of public housing and other persons eligible to participate in the job training and employment opportunities provided under section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and relevant community organizations representing and working with those persons to enhance awareness of job training and employment opportunities provided under that section that may become available due to activities funded under this paragraph.

(F) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing and infrastructure investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the investments are located.

(G) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2024, for housing and community development technical assistance to assist communities and community-based organizations to ensure the timely and effective deployment of funds made available under this subsection and promote equitable community development, including—

(i) $40,000,000 for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 shall be made available for rural capacity building activities;

(ii) $10,000,000 for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local nonprofit organizations, local governments, and Indian Tribes serving high-need rural communities;

(iii) $10,000,000 for the Self-Help Homeownership Opportunity Program authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note);

(iv) $10,000,000 for fair housing education and outreach initiative grants; and

(v) $30,000,000 for the Neighborhood Reinvestment Corporation (in this subsection referred to as the ''Corporation'') established under the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101 et seq.) for housing counseling services.

(B) DISBURSEMENT OF CORPORATION FUNDS.—

(i) PRIORITY.—Not less than 40 percent of amounts described in subparagraph (A)(v) shall be provided to counseling organizations that target counseling services to minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness or provide such services in neighborhoods with high concentrations of minority and low-income homeowners, renters, individuals experiencing homelessness, and individuals at risk of homelessness.

(ii) DISBURSEMENT.—

(I) IN GENERAL.—The Corporation shall disburse all grant funds described in subparagraph (A)(v) as expeditiously as possible, through grants to housing counseling intermediaries approved by the Department of Housing and Urban Development, State housing finance agencies, and NeighborWorks organizations.

(II) LIMITATION.—The aggregate amount provided to NeighborWorks organizations under this subsection shall not exceed 15 percent of the total grant funds made available pursuant to this paragraph.

(3) PUBLIC HOUSING CAPITAL FUND.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $15,000,000,000 for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)), to remain available until September 30, 2024.

(B) REQUIREMENTS.—The Secretary shall—

(i) not later than 30 days after the date of enactment of this Act, distribute not less than 70 percent of amounts appropriated under subparagraph (A) under the same formula used for amounts made available for the Capital Fund for fiscal year 2020, except that the Secretary may determine not to allocate funding to public housing agencies that are designated as troubled at the time of such determination or to public housing agencies that elect not to accept such funding, or both, and provided that public housing agencies prioritize—

(I) urgent health and safety concerns, including lead hazards, carbon monoxide, radon, and other issues;

(II) work items in the existing 5-year capital plan of the public housing agency;

(III) energy efficiency; and

(IV) the renovation of vacant units; and

(ii) not later than 270 days after the date of enactment of this Act, make available all remaining amounts under this paragraph by competition for priority investments, including investments that address—

(I) lead hazards, carbon monoxide, radon, and other urgent health and safety concerns;

(II) energy efficiency and resilience;

(III) the renovation of vacant units; and

(IV) such other priorities as the Secretary may identify.

(C) LIMITATION.—Amounts made available under this paragraph may not be used for operating costs under section 9(d) of the Housing Act of 1937 (42 U.S.C. 1437g(d)) other than costs related to the provision of broadband internet access within public housing properties.

(D) SECTION 3 OUTREACH.—Each grantee of funds made available under this paragraph shall conduct outreach to residents of public housing and other persons eligible to participate in the job training and employment opportunities provided under section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and relevant community organizations representing and working with those persons to enhance awareness of job training and employment opportunities provided under that section that may become available due to activities funded under this paragraph.

(E) MONITORING OF TROUBLED PUBLIC HOUSING AGENCIES.—With respect to any public housing agency that is designated as troubled at the time that amounts appropriated pursuant to this paragraph are obligated for the public housing agency, the Secretary shall provide additional monitoring and oversight of the public housing agency to ensure that any amounts provided are used in accordance with this paragraph and any applicable laws, including fair housing laws.

(F) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the housing is located.

(G) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(4) CHOICE NEIGHBORHOODS INITIATIVE GRANTS.—

(A) APPROPRIATIONS.—

(i) IN GENERAL.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2025, for grants provided under the terms provided under the heading ''Choice Neighborhoods Initiative'' of title II of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020 (Public Law 116–94), of which not less than $650,000,000 shall be awarded to public housing agencies and of which not more than $20,000,000 may be awarded for grants to undertake comprehensive local planning efforts in consultation with residents and the community.

(ii) PRIORITY TO PRIOR YEAR FINALISTS.—In making awards using funds made available under this paragraph, the Secretary—

(I) shall prioritize applicants that were designated as finalists in fiscal year 2018, 2019, or 2020 in Choice Neighborhoods Implementation Grant competitions but have not yet received an award in subsequent grant rounds; and

(II) may establish a streamlined application process for the applicants described in subclause (I) that is designed to ensure that previous finalist plans remain viable and have been the subject of a recent public hearing, in addition to such other information the Secretary may require.

(B) SECTION 3 OUTREACH.—Each grantee of funds made available under this paragraph shall conduct outreach to residents of public housing and other persons eligible to participate in the job training and employment opportunities provided under section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and relevant community organizations representing and working with those persons to enhance awareness of job training and employment opportunities provided under that section that may become available due to activities funded under this paragraph.

(C) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the housing is located.

(D) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(5) NATIVE AMERICAN HOUSING AND COMMUNITY DEVELOPMENT GRANTS.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $1,500,000,000 to remain available until September 30, 2024, for Native American, Alaska Native, and Native Hawaiian housing and community development activities, of which—

(i) $960,000,000 shall be available to carry out the Native American housing block grant program under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.);

(ii) $10,000,000 shall be available for providing training and technical assistance to Indian Tribes, Indian housing authorities, and tribally designated housing entities to support activities under this title;

(iii) $30,000,000 shall be available to carry out the Native Hawaiian housing block grant program under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.); and

(iv) $500,000,000 shall be available for grants to Indian Tribes for carrying out the Indian community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), notwithstanding section 106(a)(1) of such Act (42 U.S.C. 5306(a)(1)).

(B) REQUIREMENTS.—The Secretary shall—

(i) not later than 30 days after the date of enactment of this Act, distribute not less than 50 percent of amounts appropriated under clause (i) of subparagraph (A) under the same formula used for amounts made available for the program described in that subparagraph for fiscal year 2020, except that the Secretary may determine not to allocate funding to tribally designated housing entities that elect not to accept such funding; and

(ii) not later than 270 days after the date of enactment of this Act, make available all remaining amounts under this paragraph by competition for priority investments, including urgent health and safety concerns, and such other priorities as the Secretary may identify.

(C) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing and infrastructure investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the investments are located.

(D) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(6) HOME INVESTMENT PARTNERSHIPS PROGRAM.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $5,000,000,000 for carrying out the HOME Investment Partnerships Program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.), to remain available until September 30, 2024.

(B) SECTION 3 OUTREACH.—Each grantee of funds made available under this paragraph shall conduct outreach to residents of public housing and other persons eligible to participate in the job training and employment opportunities provided under section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and relevant community organizations representing and working with those persons to enhance awareness of job training and employment opportunities provided under that section that may become available due to activities funded under this paragraph.

(C) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the housing is located.

(D) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(7) HOUSING TRUST FUND.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, for the Housing Trust Fund under section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) $4,000,000,000, to remain available until expended.

(B) SECTION 3 OUTREACH.—Each grantee of funds made available under this paragraph shall conduct outreach to residents of public housing and other persons eligible to participate in the job training and employment opportunities provided under section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and relevant community organizations representing and working with those persons to enhance awareness of job training and employment opportunities provided under that section that may become available due to activities funded under this paragraph.

(C) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the housing is located.

(D) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(8) CAPITAL MAGNET FUND.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary of the Treasury, out of amounts in the Treasury not otherwise appropriated, for the Capital Magnet Fund under section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4569) $1,400,000,000, to remain available until expended.

(B) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing and infrastructure investments incorporate features necessary to create or improve resilience to natural disasters, or man-made disasters exacerbated by extreme weather conditions, as applicable to the area in which the investments are located.

(C) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary of the Treasury for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(9) REMOVAL OF LEAD HAZARDS AND PROMOTING HEALTHY HOUSING.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, $6,000,000,000 for lead hazard control and healthy housing, to remain available until September 30, 2024, of which—

(i) $2,500,000,000 shall be for the lead hazard reduction program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852);

(ii) $1,500,000,000 shall be for grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), which shall be provided to areas with the highest lead-based paint abatement needs; and

(iii) $2,000,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1, 1701z–2), which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning developing best practices relating to lead-based paint poisoning and other housing related diseases and hazards.

(B) DEMONSTRATION GRANTS.—Of amounts made available under subparagraph (A), the Secretary may utilize up to $500,000,000 for demonstration projects designed to develop or test best practices with regard to the provision of healthy housing, including—

(i) eliminating lead-paint hazards in high-risk geographic areas and households with children at high risk of lead paint poisoning;

(ii) community-wide strategies to eliminate lead hazards in housing;

(iii) in coordination with local water systems and the Administrator of the Environmental Protection Agency, eliminating lead services lines in federally assisted housing or housing owned or rented by low-income households;

(iv) programs to coordinate lead and health hazard removal with weatherization, energy

efficiency, or ventilation improvement programs or strategies;

(v) lead hazard and healthy housing workforce development, including in rural communities; and

(vi) other demonstrations as identified by the Secretary.

(10) RURAL MULTIFAMILY PRESERVATION AND REVITALIZATION DEMONSTRATION PROGRAM.—

(A) APPROPRIATIONS.—There is appropriated to the Secretary of Agriculture, out of amounts in the Treasury not otherwise appropriated, $1,000,000,000, for carrying out the Multifamily Preservation and Revitalization Demonstration program of the Rural Housing Service authorized under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486), to remain available until September 30, 2024.

(B) ENERGY EFFICIENCY AND RESILIENCE.—Each grantee of funds made available under this paragraph shall—

(i) ensure that housing renovation and new construction activities funded under this paragraph create or improve water and energy efficiency of the applicable housing and, at the discretion of the Secretary of Agriculture, utilize other strategies to reduce emissions and energy costs; and

(ii) ensure that housing investments incorporate features necessary to create or improve resilience to natural disasters, or manmade disasters exacerbated by extreme weather conditions, as applicable to the area in which the housing is located.

(C) OVERSIGHT AND ADMINISTRATION.—Of the funds made available under this paragraph, not more than 0.5 percent shall be available to the Secretary of Agriculture for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research, and evaluation activities.

(c) REPEAL OF FAIRCLOTH AMENDMENT.—Section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)) is amended by striking paragraph (3).

(d) RESTORING FAIR HOUSING PROTECTIONS.—

(1) AFFIRMATIVELY FURTHERING FAIR HOUSING.—

(A) PUBLIC INFORMATION AND TRANSPARENCY.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall reestablish and publish in a publicly accessible manner on the website of the Department the Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH–T), which was previously available on the website of the Department.

(ii) UPDATES.—In reestablishing and publishing the tool described in clause (i), the Secretary shall update the tool for the most recent data available, and subsequently update the tool not less frequently than annually.

(B) REPEAL OF REGULATION.—The final rule issued by the Department entitled ''Preserving Community and Neighborhood Choice'' (85 Fed. Reg. 47899 (August 7, 2020)) shall have no force or effect.

(C) ASSESSMENT TOOLS.—

(i) LOCAL GOVERNMENTS.—The Secretary shall—

(I) not later than 30 days after the date of enactment of this Act, publish in the Federal Register a notice for public comment relating to establishing a fair housing assessment tool for use by local governments; and

(II) not later than 150 days after the date of enactment of this Act, publish on the website of the Department and make available to local governments a final fair housing assessment tool.

(ii) PUBLIC HOUSING AGENCIES.—The Secretary shall—

(I) not later than 90 days after the date of enactment of this Act, publish in the Federal Register a notice for public comment relating to establishing a fair housing assessment tool for use by public housing agencies; and

(II) not later than 180 days after the date of enactment of this Act, publish on the website of the Department and make available to public housing agencies a final fair housing assessment tool.

(iii) STATE GOVERNMENTS.—The Secretary shall—

(I) not later than 120 days after the date of enactment of this Act, publish in the Federal Register a notice for public comment relating to establishing a fair housing assessment tool for use by State governments; and

(II) not later than 210 days after the date of enactment of this Act, publish on the website of the Department and make available to State governments a final fair housing assessment tool.

(2) REPEAL OF DISPARATE IMPACT REGULATION.—The final rule issued by the Department entitled ''HUD's Implementation of the Fair Housing Act's Disparate Impact Standard'' (85 Fed. Reg. 60288 (September 24, 2020)) shall have no force or effect.

(3) REPEAL OF OCC COMMUNITY REINVESTMENT ACT REGULATION.—The final rule issued by the Office of the Comptroller of the Currency entitled ''Community Reinvestment Act Regulations'' (85 Fed. Reg. 34734 (June 5, 2020)) shall have no force or effect.

(e) FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, and accommodations of any financial institution, as defined in section 803 of the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5462), without discrimination on the ground of race, color, religion, national origin, and sex (including sexual orientation and gender identity).

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by paragraph (1), a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved.

(B) COSTS.—In any action commenced pursuant to this subsection, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(C) JURISDICTION.—The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(D) EXCLUSIVE MEANS.—The remedies provided in this subsection shall be the exclusive means of enforcing the rights based on this subsection, but nothing in this section shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this subsection, including any statute or ordinance requiring nondiscrimination in goods, services, facilities, privileges, and accommodations of any financial institution, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

Subtitle C—School, Library, and Institution Infrastructure

CHAPTER 1—SCHOOL INFRASTRUCTURE

SEC. 5301. DEFINITIONS.

In this chapter:

(1) ESEA TERMS.—The terms ''elementary school'', ''other staff'', ''outlying area'', ''secondary school'', ''specialized instructional support personnel'', and ''State educational agency'' have the meanings given to those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) BUREAU-FUNDED SCHOOL.—The term ''Bureau-funded school'' has the meaning given to that term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(3) COVERED FUNDS.—The term ''covered funds'' means funds received by a State or qualified local educational agency under this chapter.

(4) HIGH-NEED SCHOOL.—The term ''high-need school'' has the meaning given to that term in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

(5) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given to that term, without regard to capitalization, in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 5304).

(6) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given to that term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) except that such term does not include a Bureau-funded school.

(7) OPERATIONS AND MAINTENANCE OF SCHOOL FACILITIES.—The term ''operations and maintenance of school facilities'' means annual activities related to keeping—

(A) school buildings operational, safe for use, and free from health and safety hazards; or

(B) school grounds, school buildings, and school equipment in an effective working condition.

(8) PUBLIC SCHOOL FACILITIES.—The term ''public school facilities'' means the facilities of a public elementary school or a public secondary school, including outdoor facilities and grounds.

(9) QUALIFIED LOCAL EDUCATIONAL AGENCY.—The term ''qualified local educational agency'' means a local educational agency that—

(A) receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.);

(B) is among the local educational agencies in the State with the highest numbers or percentages of students counted under section 1124(c) of such Act (20 U.S.C. 6333(c));

(C) agrees to prioritize the improvement of the facilities of high-need schools; and

(D) may be among the local educational agencies in the State—

(i) where the conditions of such agency's public school facilities disrupt the learning environment and put students, families, educators, and other staff at health and safety risk, such as due to proximity to toxic sites (including point sources of pollution, environmental degradation, or brownfield sites) or the vulnerability of such facilities to natural disasters; or

(ii) with the most limited capacity to raise funds for the long-term improvement of public school facilities, as determined by an assessment of—

(I) the current and historic ability of such agency to secure funds for construction, renovation, modernization, and major repair projects for schools;

(II) whether such agency has been able to issue bonds or receive other funds (such as developer impact fees or access to private financing) to support school construction projects;

(III) the bond rating of such agency; or

(IV) the burden of debt carried by such agency.

(10) SCHOOL FACILITIES CAPITAL OUTLAY PROJECTS.—The term ''school facilities capital outlay projects'' means the planning, design, construction, renovation, repair, management, and financing of school facilities projects with a life expectancy of at least 10 years. School facilities capital outlay projects do not include operations and maintenance of school facilities.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(12) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) STATE SCHOOL FACILITIES AGENCY.—The term'' State school facilities agency'' means the State educational agency or other public agency designated by the State educational agency with the responsibility for administering the program under section 5303(d) and for supporting school facilities capital outlay projects.

(14) TRIBAL ORGANIZATION.—The term ''Tribal organization'' has the meaning given that term, without regard to capitalization, in section 4 of the Indian Self-Determination and Education Act (25 U.S.C. 5304).

(15) ZERO ENERGY SCHOOL.—The term ''zero energy school'' means a public elementary school or public secondary school that—

(A) generates renewable energy on-site; and

(B) on an annual basis, exports an amount of such renewable energy that equals or exceeds the total amount of renewable energy that is delivered to the school from outside sources.

SEC. 5302. DEVELOPMENT OF DATA STANDARDS.

(a) DATA STANDARDS.—Not later than 120 days after the date of the enactment of this chapter, the Secretary, in consultation with the Federal officials described in subsection (b), shall—

(1) identify the data that State school facilities agencies and the Bureau of Indian Education should collect and include in the databases required to be developed under subparagraphs (A)(i)(II) and (B) of section 5303(c)(2);

(2) develop standards for the comparability of such data; and

(3) issue guidance to State school facilities agencies and local educational agencies concerning the definitions, collection, comparability, and sharing of such data.

(b) OFFICIALS.—The officials described in this subsection are—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy;

(3) the Director of the Centers for Disease Control and Prevention;

(4) the Secretary of the Interior;

(5) the Administrator of the Federal Emergency Management Agency; and

(6) the Director of the National Institute for Occupational Safety and Health.

SEC. 5303. GRANTS FOR THE LONG-TERM IMPROVEMENT OF PUBLIC SCHOOL FACILITIES.

(a) PURPOSE.—Covered funds shall be for supporting long-term improvements to public school facilities in accordance with this chapter.

(b) RESERVATION FOR OUTLYING AREAS AND BUREAU-FUNDED SCHOOLS.—

(1) IN GENERAL.—For each of fiscal years 2021 through 2023, the Secretary shall reserve, from the amount appropriated to carry out this chapter—

(A) in consultation with the Secretary of the Interior, one-half of 1 percent to provide assistance to the outlying areas; and

(B) 1 and one-half percent for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS.—

(A) SPECIAL RULES FOR OUTLYING AREAS.—

(i) APPLICABILITY.—Funds reserved under paragraph (1)(A) shall be used in accordance with sections 5304 through 5308.

(ii) ALLOCATION TO OUTLYING AREAS.—From the amount reserved under paragraph (1)(A) for a fiscal year, the Secretary, in consultation with the Secretary of the Interior, shall allocate to each outlying area an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year, relative to the total such amount received by all outlying areas for such previous fiscal year.

(B) SPECIAL RULES FOR BUREAU-FUNDED SCHOOLS.—

(i) CONSULTATION.—

(I) IN GENERAL.—Not later than 90 days after receiving funds under paragraph (1)(B), the Secretary of the Interior shall initiate a consultation with Indian Tribes to determine whether assistance provided to Bureau-funded schools under paragraph (1)(B) shall be administered—

(aa) in accordance with requirements specified in this chapter (under which, the Secretary of the Interior would operate under the same requirements set forth for States under this chapter, and Bureau-funded schools would operate under the same requirements as qualified local educational agencies); or

(bb) through existing infrastructure programs administered by the Secretary of the Interior.

(II) FLEXIBILITY.—If the outcome of this consultation is to operate a program in accordance with this chapter, as described in subclause (I)(aa), the Secretary of the Interior shall have the authority, in further consultation with officials from Indian Tribes and Tribal organizations to determine which requirements under this chapter shall apply.

(III) CONSULTATION REQUIREMENTS.—Consultation described under this clause shall be carried out in a manner and at a time that provides the opportunity for appropriate officials from Indian Tribes or Tribal organizations to meaningfully and substantively contribute to decisionmaking described in this clause.

(ii) TREATMENT OF TRIBALLY OPERATED SCHOOLS.—The Secretary of the Interior shall provide assistance to Bureau-funded schools under paragraph (1)(B) without regard to whether such schools are operated under a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), or directly by the Federal government.

(iii) BUREAU-FUNDED SCHOOLS FACILITIES INVENTORY.—In accordance with the guidance issued by the Secretary under section 5302, not later than 180 days after receiving an allocation under paragraph (1)(B), the Secretary of the Interior shall develop and operate an online, publicly searchable database that contains an inventory of the infrastructure of all Bureau-funded school facilities, in accordance with the requirements described in subsection (c)(2)(B). The Secretary of the Interior shall update such database not less frequently than once every 2 years.

(iv) NO MATCHING REQUIREMENT.—Notwithstanding subsection (c)(4)(A) or any other provision of law, the Secretary of the Interior shall not require Bureau-funded schools receiving funds under paragraph (1)(B) to provide matching funds or a non-Federal share toward the cost of the activities carried out with those funds.

(3) TIMING REQUIREMENT.—By not later than 90 days after the date of enactment of an Act appropriating or otherwise making available amounts to carry out this chapter, the Secretary shall make the allocations required under paragraph (1).

(c) ALLOCATION TO STATES.—

(1) ALLOCATION OF FUNDING.—From the funds appropriated under section 5209 for any fiscal year and remaining after the Secretary makes reservations under subsection (b), the Secretary shall allot to each State that has a plan approved by the Secretary under paragraph (3), an amount that is the same proportion as each State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the preceding fiscal year.

(2) STATE RESERVATION.—

(A) IN GENERAL.—A State shall reserve not more than 5 percent of its allocation under paragraph (1) to carry out the State's school facilities agency's responsibilities under this Act, which—

(i) shall include—

(I) providing technical assistance to local educational agencies, including by—

(aa) identifying which State and local public agencies have programs, resources, and expertise relevant to the activities supported by the allocation under this section; and

(bb) coordinating the provision of technical assistance across such agencies;

(II) in accordance with the guidance issued by the Secretary under section 5302 and the requirements under subparagraph (B), developing and operating an online, publicly searchable database that contains an inventory of the infrastructure of all public school facilities in the State;

(III) issuing or reviewing standards, regulations, or plans to ensure safe, healthy, and high-performing school buildings that address—

(aa) indoor air quality and ventilation issues, including exposure to airborne pathogens, carbon monoxide, carbon dioxide, lead-based paint, and other combustion by products such as oxides of nitrogen;

(bb) mold, mildew, and moisture control;

(cc) the safety of drinking water at the tap and water used for meal preparation, including the presence of lead and other contaminants in such water and the results and frequency of regular testing of the potability of water at the tap;

(dd) energy and water efficiency;

(ee) excessive classroom noise related to projects supported under this chapter;

(ff) exposure to toxic substances, including mercury, radon, PCBs, lead, vapor intrusions, and asbestos; and

(gg) the emergency preparedness of public school facilities to efficiently serve as a community shelter during a natural or manmade disaster or emergency; and

(IV) designating an ombudsman to monitor public school facilities in the State, respond to complaints regarding health and safety conditions in such facilities from the public, and address health and safety hazards (in coordination with local and State agency officials), in accordance with applicable Federal, State, Tribal, and local health and safety requirements; and

(ii) may include the development of a plan to increase the number of zero energy schools in the State.

(B) INVENTORY OF ALL PUBLIC SCHOOL FACILITIES IN THE STATE.—

(i) CONTENTS.—The State school facilities agency's database required under subparagraph (A)(i)(II) that contains an inventory of the infrastructure of all public school facilities in the State shall include—

(I) each local educational agency's expenditures on school facilities capital outlay projects (defined as the sum of the local educational agency's total expenditures on school facilities capital outlay projects and any direct expenditures and funds provided by the State to such agency for the purpose

of school facilities capital outlay projects), in total and disaggregated by each school facility;

(II) with respect to each such facility, an identification of—

(aa) the size of each individual school building and the age of each such building within each such facility;

(bb) the enrollment capacity of the school operating in each such facility;

(cc) the annual operating expenditures by the corresponding local educational agency on operations and maintenance of school facilities for each such facility;

(dd) the extent to which each such facility has been retrofitted or improved to mitigate natural disasters or emergencies, including pandemics, seismic natural disasters, forest fires, hurricanes, flooding, tornados, tsunamis, mud slides, and pandemics;

(ee) information regarding any previous inspections showing the presence of toxic substances;

(ff) the emergency preparedness of each such facility—

(AA) to efficiently serve as a community shelter during a natural or man-made disaster or emergency, taking into consideration the facility's design, construction, and location features, including communication and related equipment and supply levels, in accordance with Federal, State, and local requirements; and

(BB) including any improvement to support indoor and outdoor social distancing and implementation of public health protocols (including with respect to HVAC usage and ventilation in schools, consistent with the guidance issued by Federal agencies, including the Centers for Disease Control and Prevention);

(gg) an inventory of space within each such facility, including the number of classrooms, room capacity, square footage, and classification by building function; and

(hh) information regarding internet access in such facility, including the presence of high-speed broadband, Wi-Fi, and connectivity speed.

(ii) FREQUENCY OF UPDATES.—A State school facilities agency shall update the database required under this subparagraph and subparagraph (A)(i)(II) not less frequently than once every 3 years.

(iii) PUBLIC ACCESSIBILITY.—A State school facilities agency shall ensure that the information in the database required under this subparagraph and subparagraph (A)(i)(II)—

(I) is publicly posted on an easily accessible part of the website of the State school facilities agency; and

(II) is regularly distributed to local educational agencies and Indian Tribes in the State.

(3) STATE PLAN.—

(A) IN GENERAL.—To be eligible to receive an allocation under this section, a State school facilities agency shall submit a plan to the Secretary at such time, in such manner, and including such other information as the Secretary may require, including at a minimum—

(i) a description of how the State school facilities agency will use the allocation provided under paragraph (1) to make long-term improvements to public school facilities in the State, including the improvement of such facilities operated by qualified local educational agencies in the State;

(ii) a description of how the State school facilities agency will carry out each of its responsibilities under subclauses (I) through (IV) of paragraph (2)(A)(i);

(iii) an assurance that the State shall contribute, from non-Federal sources, an amount equal to 10 percent of the amount of the allocation received under paragraph (1) to carry out the activities supported by the allocation;

(iv) a description of how the State school facilities agency will identify qualified local educational agencies and make the determination under subsection (d)(3);

(v) a description of the State's strategy to address the construction, renovation, modernization, and major repair needs of public school facilities, including—

(I) the total State expenditures for school facilities capital outlay projects, as described in paragraph (4)(B)(iii), in the fiscal year preceding the year for which the State receives an allocation under paragraph (1); and

(II) how long, and at what levels, the State will maintain fiscal effort for the activities supported by such allocation after the State no longer receives such allocation;

(vi) a description of the methodology the State school facilities agency will use to determine to which qualified local educational agencies to award subgrants, in accordance with subparagraph (2) and (3) of subsection (d), including—

(I) the State school facilities agency's criteria for reviewing the quality of the public school facilities projects proposed in applications submitted under subsection (d); and

(II) how the State school facilities agency will consider the impact that such projects will have on—

(aa) racial and socioeconomic housing segregation; and

(bb) student diversity and racial and socioeconomic isolation of students attending any current (as of the time of submission of the plan) or future public school facilities supported by such projects.

(B) APPROVAL AND DISAPPROVAL.—

(i) IN GENERAL.—The Secretary shall have the authority to approve or disapprove a State plan submitted under subparagraph (A).

(ii) ADMINISTRATION.—If the Secretary disapproves of a State plan submitted under subparagraph (A), the Secretary shall—

(I) immediately notify the State school facilities agency of such determination and the reasons for such determination;

(II) offer the State school facilities agency the opportunity to revise its State plan;

(III) provide technical assistance in order to assist the State school facilities agency in meeting the requirements under this chapter; and

(IV) provide the State school facilities agency the opportunity for a hearing.

(4) CONDITIONS.—As a condition of receiving an allocation under paragraph (1), a State shall agree to the following:

(A) MATCHING REQUIREMENT.—The State shall contribute, from non-Federal sources, an amount equal to 10 percent of the amount of the allocation received under paragraph (1) to carry out activities supported by the allocation, in accordance with section 5304.

(B) COMMITMENT TO PROPORTIONAL STATE INVESTMENT IN SCHOOL FACILITIES.—

(i) IN GENERAL.—The State shall provide an assurance to the Secretary that for each fiscal year that the State receives an allocation under this section, the State's share of school facilities capital outlay in the fiscal year preceding the fiscal year for which an allocation is received will be not less than 90 percent of the average of the State's share of school facilities capital outlay for the 5 years preceding the fiscal year for which the allocation is received.

(ii) STATE'S SHARE OF SCHOOL FACILITIES CAPITAL OUTLAY.—In this subparagraph, the term ''State's share of school facilities capital outlay'' means—

(I) the total State expenditures on school facilities capital outlay projects; divided by

(II) the total school facilities capital expenditures in the State on school facilities capital outlay projects.

(iii) TOTAL STATE EXPENDITURES.—In this subparagraph, the term ''total State expenditures'' means the State's total expenditures on school facilities capital outlay projects, including—

(I) any direct expenditures by the State for the purpose of school facilities capital outlay projects; and

(II) funds provided by the State to local educational agencies for the purpose of school facilities capital outlay projects.

(iv) TOTAL SCHOOL FACILITIES CAPITAL EXPENDITURES IN THE STATE.—In this subparagraph, the term ''total school facilities capital expenditures in the State'', means the sum of—

(I) all expenditures on school facilities capital outlay projects by all local educational agencies in the State, including any funds provided by the State to a local educational agency in the State for school facilities capital outlay projects; plus

(II) any direct expenditures made by the State for school facilities capital outlay projects.

(C) SUPPLEMENT NOT SUPPLANT.—The State shall use an allocation received under this section only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for school facilities capital outlay projects, and not to supplant such funds.

(d) NEED-BASED SUBGRANTS TO QUALIFIED LOCAL EDUCATIONAL AGENCIES.—

(1) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Subject to subparagraph (B), from the amounts allocated to a State under subsection (c)(1) and contributed by the State under subsection (c)(4)(A), the State school facilities agency shall award subgrants to qualified local educational agencies, on a competitive basis, to carry out the activities described section 5304.

(B) ALLOWANCE FOR DIGITAL LEARNING.—A State school facilities agency may use not more than 10 percent of the amount described in subparagraph (A) to make subgrants to qualified local educational agencies to enable those qualified local educational agencies to carry out activities to improve digital learning in accordance with section 5304(b).

(2) GEOGRAPHIC DISTRIBUTION.—Each State school facilities agency receiving an allocation under subsection (c)(1) shall ensure that subgrants under this section are awarded to qualified local educational agencies that represent the geographic diversity of the State, by awarding subgrants to qualified local educational agencies in urban, suburban, and rural areas of the State.

(3) PRIORITY OF SUBGRANTS.—In awarding subgrants under this section to qualified local educational agencies, the State school facilities agency—

(A) shall give priority to qualified local educational agencies—

(i) that demonstrate the greatest need for such a grant by being in the highest quartile of qualified local educational agencies in a ranking of all qualified local educational agencies in the State, ranked in descending order by the percentage of students who are enrolled in a school served by the agency and are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c));

(ii) that operate public school facilities which disrupt the learning environment and pose a health and safety risk to students, families, educators, and other staff, such as due to proximity to toxic sites (including point sources of pollution, environmental

degradation, or brownfield sites) or the vulnerability of such facilities to natural disasters; or

(iii) that have the most limited capacity to raise funds for the long-term improvement such agency's public school facilities, as determined by an assessment of—

(I) the current and historic ability of such agency to secure funds for construction, renovation, modernization, and major repair projects for schools;

(II) whether the agency has been able to issue bonds or receive other funds, such as developer impact fees or access to private financing, to support school construction projects;

(III) the bond rating of the agency; and

(IV) the burden of debt carried by the local educational agency;

(B) with respect to subgrants awarded for fiscal year 2021, shall give priority to qualified local educational agencies described in subparagraph (A) that propose projects in their application that support—

(i) indoor and outdoor social distancing; and

(ii) the implementation of public health protocols (including with respect to HVAC usage and ventilation in schools, consistent with the guidance issued by Federal, State, Tribal, and local public health agencies, including the Centers for Disease Control and Prevention); and

(C) may give priority to qualified local educational agencies that—

(i) will use the subgrant to improve access to high-speed broadband sufficient to support digital learning in accordance with section 5304(b) and serve elementary schools or secondary schools, including rural schools, that lack such access; or

(ii) will use the subgrant to fund projects that are aligned with such agency's policies or plan—

(I) to increase diversity and decrease racial or socioeconomic isolation of its student body in its public school facilities; and

(II) that have the intended outcomes of shifting student enrollment policies to create more racially and socioeconomically diverse schools.

(4) APPLICATION.—To be considered for a subgrant under this section, a qualified local educational agency shall submit an application to the State school facilities agency at such time, in such manner, and containing such information as such agency may require. Such application shall include, at minimum—

(A) the information necessary for the State school facilities agency to make the determinations under paragraphs (2) and (3), including—

(i) a description of how the qualified local educational agency will use covered funds to prioritize the improvement of the facilities of high-need schools;

(ii) information regarding the qualified local educational agency's capacity to raise funds for the long-term improvement of its public school facilities, including information regarding—

(I) the current and historic ability of the agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(II) whether the agency has been able to issue bonds or receive other funds to support school construction projects;

(III) the bond rating of the agency; and

(IV) the level of debt carried by the agency; and

(iii) data regarding the numbers and percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 633(c)) served by the agency, and the rates of racial and socioeconomic isolation among students in such agency's public school facilities; and

(B) a description of the projects that the agency plans to carry out with the subgrant, in accordance with section 5304, including—

(i) the rationale the agency used to determine such projects, including how the agency—

(I) engaged students, families, and local communities in making such determinations, and

(II) took into consideration elements described in paragraph (5)(B) in making such determinations;

(ii) a description of how the agency took into consideration the impacts that such projects may have on student enrollment levels and racial and socioeconomic diversity of students, as described in paragraph (5)(B)(v);

(C) a description of how the projects proposed in subparagraph (B) will reduce risks to the health and safety of staff and students at schools served by the agency, including with respect to the conditions described in paragraph (5)(B)(iii); and

(D) in the case of a qualified local educational agency (including a public charter school that is a local educational agency under State law) that proposes to fund a repair, renovation, or construction project for a public charter school, as defined by State law, a description indicating—

(i) the extent to which the public charter school lacks access to funding for school repair, renovation, and construction through the financing methods available to other public schools, including public charter schools, or local educational agencies in the State; and

(ii) that the charter school operator—

(I) owns the facility that is to be repaired, renovated, or constructed; or

(II) has care and control of such facility for not less than 10 years.

(5) FACILITIES MASTER PLAN.—

(A) PLAN REQUIRED.—Not later than 180 days after receiving a subgrant under this section, a qualified local educational agency shall submit to the State school facilities agency a comprehensive facilities master plan that covers not less than 3 years.

(B) ELEMENTS.—The facilities master plan required under subparagraph (A) shall include, with respect to all public school facilities of the qualified local educational agency, a description of—

(i) the extent to which public school facilities meet students' educational needs and support the agency's educational mission and vision;

(ii) the physical condition of each individual public school facility operated by the qualified local educational agency;

(iii) the current health, safety, and environmental conditions of each individual public school facility operated by the qualified local educational agency, including—

(I) indoor air quality and ventilation;

(II) the presence of toxic substances;

(III) the safety of drinking water at the tap and water used for meal preparation, including the level of lead and other contaminants in such water;

(IV) energy and water efficiency;

(V) classroom acoustics; and

(VI) other health, safety, and environmental conditions that would impact the health, safety, and learning environment of students;

(iv) how the qualified local educational agency will address any conditions identified under clause (iii), including with projects supported by subgrant funds;

(v) the impact of current and future student enrollment levels (as of the date of application) on the design of current and future public school facilities operated by the qualified local educational agency, including—

(I) the financial implications of such enrollment levels; and

(II) the impact that such enrollment levels will have on the racial and socioeconomic school diversity of students attending any current or future public school facilities operated by the local educational agency;

(vi) the dollar amount and percentage of funds the qualified local educational agency will dedicate to capital construction projects for public school facilities in each fiscal year, including—

(I) any funds in the budget of the agency that will be dedicated to such projects; and

(II) any funds not in the budget of the agency that will be dedicated to such projects, including—

(aa) any funds available to the agency as the result of a bond issue; or

(bb) capital campaigns, if such agency is a public charter school.

(C) CONSULTATION.—In developing the facilities master plan required under subparagraph (A), the qualified local educational agency shall consult with students and families, educators, principals, other school leaders, paraprofessionals, specialized instructional support personnel, custodial and maintenance staff, emergency first responders, school facilities directors, community residents, Indian Tribes and Tribal organizations if such qualified local educational agency is required to consult with Indian Tribes or Tribal organizations under section 8538 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7918), advocacy and civil rights organizations, and the public.

(D) EDUCATIONAL SERVICE AGENCIES.—In the event that the qualified local educational agency is an educational service agency, the requirements of this paragraph shall apply only to the public school facilities of the local educational agencies where such agency intends to support projects with subgrant funds.

(6) SUPPLEMENT NOT SUPPLANT.—A qualified local educational agency shall use a subgrant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such subgrant, be made available for school facilities capital outlay projects and for the operations and maintenance of school facilities, and not to supplant such funds.

SEC. 5304. USES OF FUNDS.

(a) IN GENERAL.—Subject to section 5305, a qualified local educational agency that receives a subgrant under section 5303(d) shall use the funds to carry out one or more of the following:

(1) Developing, maintaining, and updating as necessary the facilities master plan required under section 5303(d)(5).

(2) Renovating, retrofitting, modernizing, or constructing public school facilities, which may include—

(A) improvements to public school facilities to improve the safety and health of students and staff directly related to reducing the risk of community spread of COVID–19, such as—

(i) facility repairs, improvements, or other system upgrades to support implementation of public health protocols, such as repair, replacement, and installation of sinks for hand washing, appropriate spaces for health screening, adequate school nurses' spaces, health isolation areas, and storage and disposal of personal protective equipment; and

(ii) projects designed to reduce COVID–19 transmission and exposure to environmental health hazards and to support student health needs, including—

(I) improvements to indoor air quality in schools or school surfaces to enable effective ventilation and sanitation;

(II) improvements to outdoor areas for outdoor instruction and activities; and

(III) physical barriers to mitigate the spread of COVID–19; and

(B) improvements to mitigate natural disasters or emergencies, including seismic natural disasters, forest fires, hurricanes, flooding, tornados, tsunamis, mud slides, and pandemics.

(3) Carrying out major repairs of public school facilities.

(4) Purchasing or installing furniture or fixtures with at least a 10-year life in public school facilities.

(5) Constructing new public school facilities to replace school facilities or respond to increases in student enrollment.

(6) Acquiring and preparing sites on which new public school facilities will be constructed.

(7) Ensuring current or anticipated student enrollment does not exceed the physical and instructional capacity of public school facilities.

(8) Ensuring the building envelopes and interiors of public school facilities protect occupants and interiors from natural elements and are structurally sounds and secure.

(9) Improving energy and water efficiency to lower the costs of energy and water consumption in public school facilities.

(10) Improving indoor air quality and ventilation in public school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(11) Reducing or eliminating the presence of—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos;

(B) mold and mildew; or

(C) rodents and pests.

(12) Ensuring the safety of drinking water at the tap and water used for meal preparation in public school facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(13) Bringing public school facilities into compliance with applicable fire, health, and safety codes.

(14) Making public school facilities accessible to people with disabilities, including by ensuring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(15) Providing instructional program space improvements (including through the construction of outdoor instructional space) for programs relating to early learning (including early learning programs operated by partners of the agency), special education, science, technology, career and technical education, physical education, the arts, and literacy (including library programs).

(16) Increasing the use of public school facilities for the purpose of community-based partnerships that provide students with academic, behavioral health, mental health, substance use disorder, and social services.

(17) Ensuring the health and safety of students and staff during the construction or modernization of public school facilities.

(18) Investing in specialized academic facilities, including investments designed to encourage inter-district school attendance patterns, in order to increase student diversity and decrease racial or socioeconomic isolation.

(19) Reducing or eliminating excessive classroom noise due to activities allowable under this section.

(b) ALLOWANCE FOR DIGITAL LEARNING.—A qualified local educational agency may use covered funds received under section 5303(d)(1) to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

SEC. 5305. RULE OF CONSTRUCTION.

(a) RESTRICTION.—A qualified local educational agency that receives covered funds shall not use such funds for—

(1) payment of routine and predictable maintenance costs and minor repairs;

(2) any facility that is primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) vehicles; or

(4) district central offices, operation centers, or other facilities that are not primarily used to educate students.

(b) FOR-PROFIT CHARTER SCHOOLS.—No covered funds may be used for the facilities of a public charter school that is operated by a for-profit entity.

(c) CONFLICTS OF INTEREST AND CHARTER SCHOOLS.—No covered funds may be used for the facilities of a public charter school if—

(1) the school leases the facilities from an individual or private sector entity; and

(2) such individual, or an individual with a direct or indirect financial interest in such entity, has a management or governance role in such school.

SEC. 5306. GREEN PRACTICES.

(a) IN GENERAL.—In a given fiscal year, a qualified local educational agency that uses covered funds for a new construction project shall use not less than the applicable percentage (as described in subsection (b)) of the funds used for such project for construction or renovation that is certified, verified, or consistent with the applicable provisions of—

(1) the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard (commonly known as the ''LEED Green Building Rating System'');

(2) the Living Building Challenge developed by the International Living Future Institute;

(3) a green building rating program developed by the Collaborative for High-Performance Schools (commonly known as ''CHPS'') that is CHPS-verified; or

(4) a program that—

(A) has standards that are equivalent to or more stringent than the standards of a program described in paragraphs (1) through (3);

(B) is adopted by the State or another jurisdiction with authority over the agency; and

(C) includes a verifiable method to demonstrate compliance with such program.

(b) APPLICABLE PERCENTAGE.—The applicable percentage described in this subsection is—

(1) for fiscal year 2021, 60 percent;

(2) for fiscal year 2022, 70 percent; and

(3) for fiscal year 2023; 80 percent.

SEC. 5307. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED PRODUCTS.

(a) IN GENERAL.—A qualified local educational agency that receives covered funds shall ensure that any iron, steel, and manufactured products used in projects carried out with such funds are produced in the United States.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary may waive the requirement of subsection (a) if the Secretary determines that—

(A) iron, steel, and manufactured products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(B) using iron, steel, and manufactured products produced in the United States will increase the cost of the overall project by more than 25 percent.

(2) PUBLICATION.—Before issuing a waiver under paragraph (1), the Secretary shall publish in the Federal Register a detailed written explanation of the waiver determination.

(c) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) DEFINITIONS.—In this section:

(1) PRODUCED IN THE UNITED STATES.—The term ''produced in the United States'' means the following:

(A) When used with respect to a manufactured product, the product was manufactured in the United States and the cost of the components of such product that were mined, produced, or manufactured in the United States exceeds 60 percent of the total cost of all components of the product.

(B) When used with respect to iron or steel products, or an individual component of a manufactured product, all manufacturing processes for such 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—

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

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

(2) MANUFACTURED PRODUCT.—The term ''manufactured product'' means any construction material or end product (as such terms are defined in part 25.003 of the Federal Acquisition Regulations) that is not an iron or steel product, including—

(A) electrical components; and

(B) non-ferrous building materials, including, aluminum and polyvinylchloride (PVC), glass, fiber optics, plastic, wood, masonry, rubber, manufactured stone, any other non-ferrous metals, and any unmanufactured construction material.

SEC. 5308. ANNUAL REPORT ON GRANT PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this chapter, and annually thereafter until funds under this chapter have been expended, the Secretary shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the projects carried out with covered funds.

(b) ELEMENTS.—The report under subsection (a) shall include, with respect to the fiscal year preceding the year in which the report is submitted, the following:

(1) An identification of each qualified local educational agency that received a subgrant under this chapter, including the grant amount received for each such agency.

(2) With respect to each such agency, a description of—

(A) the demographic composition of the student population served by the agency, disaggregated by—

(i) race;

(ii) the number and percentage of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(iii) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) the population density of the geographic area served by the agency;

(C) the projects for which the agency used the subgrant received under this chapter, including—

(i) the type of each such project;

(ii) the public school facility deficiencies that each such project eliminated or reduced;

(iii) the State, local, and private share of funding for the projects over and above the Federal share, if any; and

(iv) the individual demographic composition of the student population enrolled in schools impacted by each such project, disaggregated by—

(I) race; and

(II) the number and percentage of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(D) the factors used by the State school facilities agency to determine that such agency lacked capacity to finance school facilities capital outlay projects without Federal assistance; and

(E) the estimated number of jobs created by projects supported by covered funds in each qualified local educational agency.

(3) The total dollar amount of all subgrants received by local educational agencies under this chapter.

(4) An assessment of the student diversity and the racial and socioeconomic school isolation of schools served by projects carried out by the qualified local educational agency with covered funds, including any progress made by local educational agencies to improve racial and socioeconomic diversity in such schools.

(c) OUTLYING AREAS REPORT.—Not later than one year after the date of the enactment of this chapter, and annually thereafter until grant funds have been expended, the Secretary of the Interior shall submit to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the projects carried out with funds described in section 5303(b)(1)(A) in outlying areas.

(d) BUREAU OF INDIAN EDUCATION REPORT.—Not later than one year after the date of the enactment of this chapter, and annually thereafter until grant funds have been expended, the Secretary of the Interior shall submit to the Committee on Health, Education, Labor and Pensions of the Senate, the Committee on Indian Affairs of the Senate, the Committee on Education and Labor of the House of Representatives, and the Committee on Natural Resources of the House of Representatives a report on the projects carried out with funds described in section 5303(b)(1)(B) for Bureau-funded schools.

(e) LEA INFORMATION COLLECTION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this chapter, and annually thereafter until grant funds have been expended, each qualified local educational agency that receives covered funds shall annually—

(A) compile the information described in subsection (b)(2); and

(B) prepare a description of each project supported by covered funds in accordance with subsection (b)(2)(C), including the amount of covered funding spent on each project for planning, design, construction, management, and financing, as applicable.

(2) REPORT AND POSTING OF INFORMATION.—Each qualified local educational agency shall submit the information described in paragraph (1) to the State school facilities agency and shall make the information available to the public, including by posting the information on a publicly accessible agency website.

(f) STATE INFORMATION DISTRIBUTION.—A State school facilities agency that receives information from a local educational agency under subsection (e) shall—

(1) compile the information and report it annually to the Secretary at such time and in such manner as the Secretary may require;

(2) submit to the Secretary a description of the activities supported under the State reservation of funds, in accordance with section 5303(c)(2);

(3) make the information described in paragraphs (1) and (2) available to the public, including by posting the information on a publicly accessible State website; and

(4) regularly distribute such information to local educational agencies and Indian Tribes in the State.

SEC. 5309. APPROPRIATIONS.

There are appropriated to the Secretary of Education, out of amounts in the Treasury not otherwise appropriated, $11,626,810,000 for fiscal year 2021, $11,626,810,000 for fiscal year 2022, and $11,626,810,000 for fiscal year 2023, to carry out this chapter, to remain available until expended.

SEC. 5310. APPROPRIATIONS FOR IMPACT AID CONSTRUCTION.

There are appropriated to the Secretary of Education, out of amounts in the Treasury not otherwise appropriated, $18,756,765 for fiscal year 2021, $50,406,000 for fiscal year 2022, and $50,406,000 for fiscal year 2023 for Impact Aid construction payments, in accordance with section 7007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707). All terms and conditions that apply to grants under such section 7007 shall apply to grants made with funds made available under this section.

CHAPTER 2—LIBRARY INFRASTRUCTURE

SEC. 5321. DEFINITIONS.

In this chapter:

(1) DIRECTOR.—The term ''Director'' has the meaning given the term in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(3) LIBRARY.—The term ''library'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(4) STATE.—The term ''State'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(5) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term ''State library administrative agency'' has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

SEC. 5322. BUILD AMERICA'S LIBRARIES FUND.

(a) ESTABLISHMENT.—From the amount appropriated under section 5326, there is established a Build America's Libraries Fund for the purpose of supporting long-term improvements to library facilities in accordance with this chapter.

(b) RESERVATIONS.—From the amount available in the Build America's Libraries Fund, the Director shall reserve 3 percent to award grants to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians, in the same manner as the Director makes grants under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) to enable such Indian Tribes and organizations to carry out the activities described in paragraphs (1) through (9) of section 5323(d).

SEC. 5323. ALLOCATION TO STATES.

(a) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—

(A) IN GENERAL.—From the amount available in the Build America's Libraries Fund and not reserved under section 5322(b), each State that has a plan approved by the Director under subsection (b) shall be allocated an amount in the same manner as the Director makes allotments to States under section 221(b) of the Library Services and Technology Act (20 U.S.C. 9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be $10,000,000, except that the minimum allotment shall be $500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) REALLOCATION OF REMAINING FUNDS.—

(i) IN GENERAL.—From the remainder of any amounts not reserved or allocated under subparagraph (A) on the date that is 1 year after the date of enactment of this Act, the Director shall allocate to each State, that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) DATA.—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(2) STATE RESERVATIONS.—A State shall reserve not more than 4 percent of its allocation under paragraph (1) for administrative costs and to provide technical assistance to libraries in the State.

(b) STATE PLAN.—

(1) IN GENERAL.—To be eligible to receive an allocation under this section, a State library administrative agency shall submit to the Director a plan that includes such information as the Director may require, including at a minimum—

(A) a description of how the State will use the allocation to make long-term improvements to library facilities with a focus on underserved and marginalized communities;

(B) a description regarding how the State will carry out its responsibility to provide technical assistance under subsection (a)(2);

(C) a description regarding how the State will make the determinations of eligibility and priority under subsections (b) and (d) of section 5324; and

(D) a certification that the State has met the maintenance of effort requirements under section 223(c) of the Library Services and Technology Act (20 U.S.C. 9133(c)) and an assurance that the State shall meet the supplement not supplant requirement under subsection (c).

(2) APPROVAL.—

(A) IN GENERAL.—The Director shall approve a State plan submitted under paragraph (1) that meets the requirements of paragraph (1) and provides satisfactory assurances that the provisions of such plan will be carried out.

(B) PUBLIC AVAILABILITY.—Each State library administrative agency receiving an allocation under this section shall make the State plan available to the public, including through electronic means.

(C) ADMINISTRATION.—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(i) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(ii) offer the State library administrative agency the opportunity to revise its State plan;

(iii) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(iv) provide the State library administrative agency the opportunity for a hearing.

(c) SUPPLEMENT NOT SUPPLANT.—As a condition of receiving an allocation under this section, a State shall agree to use an allocation under this section only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

(d) USES OF FUNDS.—Each State receiving an allocation under this section shall use the funds for any 1 or more of the following:

(1) Constructing, renovating, modernizing, or retrofitting library facilities in the State, which may include—

(A) financing new library facilities;

(B) making capital improvements to existing library facilities, including buildings, facilities grounds, and bookmobiles;

(C) enhancing library facilities to improve the overall safety and health of library patrons and staff, including improvements directly related to reducing the risk of community spread of COVID–19; and

(D) addressing the vulnerability of library facilities to natural disasters.

(2) Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons, including projects related to high-speed broadband, technology hardware, and mobile hotspots and similar equipment.

(3) Improving energy and water efficiency to lower the costs of energy and water consumption in library facilities.

(4) Improving indoor air quality and ventilation in library facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(5) Reducing or eliminating the presence in library facilities of potential hazards to library staff and patrons, including—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos; or

(B) mold and mildew.

(6) Ensuring the safety of drinking water at the tap in library facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(7) Making library facilities accessible to people with disabilities, including by ensuring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(8) Improving library facilities for the purposes of supporting place-based services or community-based partnerships that provide library patrons with access to educational, workforce, behavioral health, mental health, and social services.

(9) Assessing the condition of existing library facilities and the need for new or improved library facilities and developing facilities master plans.

SEC. 5324. NEED-BASED GRANTS TO LIBRARIES.

(a) GRANTS TO LIBRARIES.—From the amounts allocated to a State under section 5323(a), the State library administrative agency shall award grants to libraries, on a competitive basis, to carry out the activities described in paragraphs (1) through (9) of section 5323(d).

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a library shall be—

(1) a public library;

(2) a tribal library; or

(3) a State library or a State archive, with respect to outlets and facilities that provide library service directly to the general public.

(c) APPLICATION.—A library described in subsection (b) that desires to receive a grant under this section shall submit an application to the State library administrative agency at such time, in such manner, and containing such information as the State library administrative agency may require, including—

(1) the information necessary for the State to make a determination of the library's eligibility for the grant and priority under subsection (d); and

(2) a description of the projects that the library plans to carry out with the grant, in accordance with paragraphs (1) through (9) of section 5323(d), including—

(A) the rationale the library used to select such project; and

(B) a description of how the library took into consideration the impacts of such projects on underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(d) PRIORITY OF GRANTS.—In awarding grants under this section, the State—

(1) shall give first priority to eligible libraries that demonstrate the greatest need for such a grant in order to plan for, and make long-term improvements to, library facilities that predominantly provide service to underserved or marginalized communities, including families with incomes below the poverty line (as defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) may additionally give priority to eligible libraries that will use the grant to—

(A) make health, safety, resiliency, or emergency preparedness improvements to existing library facilities that pose a severe health or safety threat to library patrons or staff, which may include a threat posed by the proximity of the facilities to toxic sites or the vulnerability of the facilities to natural disasters;

(B) install or upgrade hardware that will improve access to high-speed broadband for library patrons of the library facilities;

(C) improve access to existing library facilities for library patrons or staff with disabilities; or

(D) improve the energy efficiency of or reduce the carbon emissions or negative environmental impacts resulting from the existing library facilities.

(e) SUPPLEMENT NOT SUPPLANT.—A library shall use a grant received under this section only to supplement the level of Federal, State, and local public funds that would, in the absence of such grant, be made available for the activities supported by the grant, and not to supplant such funds.

SEC. 5325. ADMINISTRATION AND OVERSIGHT.

(a) NO PROHIBITION AGAINST CONSTRUCTION.—Section 210A of the Museum and Library Services Act (20 U.S.C. 9109) shall not apply to this chapter.

(b) NO MATCHING REQUIREMENT OR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, a State, Indian Tribe, organization, library, or other entity that receives funds under this chapter shall not be required to provide matching funds or a non-Federal share toward the cost of the activities carried out with the funds.

(c) SUPPLEMENT NOT SUPPLANT.—A State shall use an allocation received under section 5323 only to supplement the level of Federal, State, and local public funds that would, in absence of such allocation, be made available for the activities supported by the allocation, and not to supplant such funds.

(d) ADMINISTRATIVE COSTS.—From the amount appropriated under section 5326, the Director may allocate not more than 3 percent of such amount for program administration, oversight activities, research, analysis, and data collection related to the purposes of the Build America's Libraries Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter until all funds provided under this chapter have been expended, the Director shall issue reports to the Committee on Appropriations and the Committee on Education and Labor of the House of Representatives and the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate detailing how funding under this chapter has been spent and its impact on improving library services in communities that are served, including underserved and marginalized populations, Indian Tribes, and Native Hawaiian communities, and shall make such reports publicly available on the website of the Institute of Museum and Library Services.

(2) STATE REPORT.—A State that receives funds under this chapter shall, not later than 1 year after the date of enactment of this Act, and annually thereafter until all funds have been expended, submit a report to the Director at such time and in such manner as the Director may require.

SEC. 5326. APPROPRIATION OF FUNDS.

There is authorized to be appropriated, and there is appropriated, to carry out this chapter, $5,000,000,000, for the period of fiscal years 2021 through 2023, to remain available until expended.

CHAPTER 3—HBCU, TCU, AND OTHER MINORITY-SERVING INSTITUTION INFRASTRUCTURE

SEC. 5331. CANCELLATION OF DEBT UNDER HBCU CAPITAL FINANCING PROGRAM.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall cancel the obligation of each eligible institution (as defined in section 342 of the Higher Education Act of 1965 (20 U.S.C. 1066a)) to repay the balance of interest and principal due on each loan made under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.) before the date of the enactment of this Act.

SEC. 5332. ADDITIONAL APPROPRIATIONS FOR THE HBCU HISTORIC PRESERVATION PROGRAM.

(a) IN GENERAL.—

(1) AMOUNTS APPROPRIATED.—There is appropriated to the Secretary of the Interior, out of amounts in the Treasury not otherwise appropriated, $250,000,000 for the period of fiscal years 2021 through 2023, to provide additional allocations under section 507(d)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 302101 note) for the purpose of preserving and restoring over 700 historic buildings and structures on the campuses of Historically Black Colleges and Universities on the National Register of Historic Places.

(2) ALLOCATION OF FUNDS.—The Secretary shall allocate amounts provided under paragraph (1) to institutions in the same proportion as amounts are allocated under section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 302101 note).

(b) APPLICABILITY OF TERMS AND CONDITIONS.—The terms and conditions that apply to grants under section 507 of the Omnibus Parks and Public Lands Management Act of 1996 (54 U.S.C. 302101 note) shall apply to grants made under this section.

(c) GENERAL PROVISIONS.—Any amount appropriated under this section is in addition to other amounts appropriated or made available for the applicable purpose.

SEC. 5333. FUNDING FOR CONSTRUCTION OF NEW FACILITIES AT TCUS.

(a) IN GENERAL.—Section 113 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1813) is amended to read as follows:

"SEC. 113. CONSTRUCTION OF NEW FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction' includes any effort to address the facility construction, maintenance, renovation, reconstruction, and replacement needs of a Tribal College or University.

''(2) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

''(b) GRANTS.—

''(1) IN GENERAL.—With respect to any eligible Tribal College or University that identifies a need for construction, the Secretary shall, subject to the availability of appropriations, provide grants for that construction in accordance with this section.

''(2) NAVAJO TRIBE.—Notwithstanding section 114(a), the Navajo Tribe may receive grants under this section.

''(c) APPLICATION.—Each Tribal College or University desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) ELIGIBLE ACTIVITIES.—Activities eligible for a grant under this section shall be activities that address a wide variety of facilities and infrastructure needs, including—

''(1) building of new facilities, including—

''(A) classrooms;

''(B) administrative offices;

''(C) libraries;

''(D) health and cultural centers;

''(E) day care centers;

''(F) technology centers;

''(G) housing for students, faculty, and staff; and

''(H) other education-related facilities;

''(2) renovating or expanding existing or acquired facilities;

''(3) providing new and existing facilities with equipment, including—

''(A) laboratory equipment;

''(B) computer infrastructure and equipment;

''(C) broadband infrastructure and equipment;

''(D) library books; and

''(E) furniture; and

''(4) property acquisition.

''(e) NO MATCHING REQUIREMENT.—A recipient of a grant under this section shall not be required to make a matching contribution for Federal amounts received.''.

(b) MISCELLANEOUS PROVISIONS.—Section 114 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1814) is amended by striking subsection (a) and inserting the following:

''(a) NAVAJO TRIBE.—Except as provided in section 113(b)(2), the Navajo Tribe shall not be eligible to participate under the provisions of this title.''.

(c) APPROPRIATIONS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, $1,500,000,000 to the Secretary of the Interior for the period of fiscal years 2021 through 2023 to provide grants under section 113 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1813).

SEC. 5334. ADDITIONAL APPROPRIATIONS FOR HBCUS, TCUS, AND MINORITY-SERVING INSTITUTIONS.

(a) IN GENERAL.—

(1) AMOUNTS APPROPRIATED.—There is appropriated to the Secretary of Education, out of amounts in the Treasury not otherwise appropriated, $7,000,000,000 for the period of fiscal years 2021 through 2023, to provide additional allocations under section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q) for the purpose of addressing the facility, equipment, educational materials, and funds and administrative management needs of Historically Black Colleges and Universities, Tribal Colleges and Universities, and minority-serving institutions as described in paragraph (3).

(2) ALLOCATION OF FUNDS.—The Secretary of Education shall allocate amounts provided under paragraph (1) to Historically Black Colleges and Universities (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)), Hispanic-serving institutions, Tribal Colleges and Universities, Alaska Native-serving institutions and Native Hawaiian-serving institutions, Predominantly Black institutions, Asian American and Native American Pacific Islander-serving institutions, and Native American-serving nontribal institutions in the same proportion as amounts are allocated under section 371(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)).

(3) USES OF FUNDS.—Notwithstanding any other provision of law, amounts allocated under this section shall be made available as grants to be used only for any of the following uses:

(A) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

(B) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

(C) Purchase of library books, periodicals, microfilm, and other educational materials, including telecommunications program materials.

(D) Funds and administrative management, and acquisition of equipment for use in strengthening funds management.

(E) Joint use of facilities, such as laboratories and libraries.

(F) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

(G) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

(H) Other activities approved by the Secretary to address infrastructure needs.

(b) APPLICABILITY OF TERMS AND CONDITIONS.—Except as specified in subsection (a)(3), the terms and conditions that apply to grants under section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q) shall apply to grants made under this section.

(c) GENERAL PROVISIONS.—Any amount appropriated under this section is in addition to other amounts appropriated or made available for the applicable purpose.

SEC. 5335. STUDY AND REPORT ON THE PHYSICAL CONDITION OF HBCUS AND TCUS.

(a) STUDY AND REPORT.—Not less frequently than once in each 5-year period beginning after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, and in consultation with the Secretary of the Interior, shall—

(1) carry out a comprehensive study of the physical conditions of all Historically Black Colleges and Universities (within the meaning of the term ''part B institution'' under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and Tribal Colleges and Universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)) in the United States; and

(2) submit a report that includes the results of the study to the Committee on Appropriations, the Committee on Health, Education, Labor, and Pensions, the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations, the Committee on Education and Labor, the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Energy and Commerce of the House of Representatives.

(b) ELEMENTS.—Each study and report under subsection (a) shall include an assessment of—

(1) the impact of institutional facility conditions on student and staff health and safety;

(2) the impact of institutional facility conditions on student academic outcomes;

(3) the condition of institutional facilities, set forth separately by geographic region; and

(4) the accessibility of institutional facilities for students and staff with disabilities.

Subtitle D—Environmental Justice

CHAPTER 1—DRINKING WATER AND CLEAN WATER PROGRAMS

SEC. 5401. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (a)(1) —

(A) in subparagraph (A), by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''There is'' and inserting ''There are'';

(ii) by striking the period at the end and inserting ''; and'';

(iii) by striking ''this section $225,000,000'' and inserting the following: ''this section—

''(A) $225,000,000''; and

(iv) by adding at the end the following:

''(B) $400,000,000 for each of fiscal years 2021 through 2023.''; and

(B) in paragraph (2)—

(i) by striking ''To the extent'' and inserting the following:

''(A) GREEN INFRASTRUCTURE.—To the extent''; and

(ii) by adding at the end the following:

''(B) RURAL ALLOCATION.—

''(i) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

''(ii) ALLOCATION.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects in rural areas for the purpose of planning, design, and construction of—

''(I) treatment works to intercept, transport, control, treat, or reuse municipal sewer overflows, sanitary sewer overflows, or stormwater; or

''(II) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 603(c).''.

SEC. 5402. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

"SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a municipality; or

''(B) an intermunicipal, interstate, or State agency.

''(2) NATURAL HAZARD.—The term 'natural hazard' means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.

''(3) PROGRAM.—The term 'program' means the clean water infrastructure resilience and sustainability program established under subsection (b).

''(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard.

''(c) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis and including upgrades and retrofits) that increase the resilience of a publicly owned treatment works to a natural hazard through—

''(1) the conservation of water;

''(2) the enhancement of water use efficiency;

''(3) the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—

''(A) natural and engineered green infrastructure; and

''(B) reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;

''(4) the modification or relocation of an existing publicly owned treatment works that is at risk of being significantly impaired or damaged by a natural hazard;

''(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard; or

''(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

''(d) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

''(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

''(2) an identification of the natural hazard risk to be addressed by the proposed project;

''(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located;

''(4) a description of any recent natural hazard events that have affected the publicly owned treatment works;

''(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard; and

''(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to an anticipated natural hazard.

''(e) GRANT AMOUNT AND OTHER FEDERAL REQUIREMENTS.—

''(1) COST SHARE.—Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.

''(2) EXCEPTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—

''(i) is disproportionately affected by toxic pollution; and

''(ii)(I) has a population of fewer than 10,000 individuals; or

''(II) meets the affordability criteria established by the State in which the community is located under section 603(i)(2).

''(B) WAIVER.—At the discretion of the Administrator, a grant for a project described in subparagraph (A) may cover 100 percent of the total cost of the proposed project.

''(3) REQUIREMENTS.—The requirements of section 608 shall apply to a project funded with a grant under the program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $333,000,000 for each of fiscal years 2021 and 2022; and

''(B) $334,000,000 for fiscal year 2023.

''(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.''.

SEC. 5403. GRANTS FOR CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 5402) is amended by adding at the end the following:

"SEC. 223. GRANTS FOR CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME.

''(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term 'eligible individual' means a member of a low-income or moderate-income household, the members of which have a combined income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the State or territory in which the household is located, according to the most recent decennial census.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a program under which the Administrator shall provide grants to private nonprofit organizations for the purpose of improving general welfare by providing assistance to eligible individuals—

''(A) for the construction, repair, or replacement of an individual household decentralized wastewater treatment system;

''(B) if the eligible individual resides in a household that could be cost-effectively connected to an available publicly owned treatment works, for the connection of the household of the eligible individual to the publicly owned treatment works; or

''(C) for the installation of a larger decentralized wastewater system designed to provide treatment for 2 or more households in which eligible individuals reside, if—

''(i) site conditions at the households are unsuitable for the installation of an individually owned decentralized wastewater system;

''(ii) multiple examples of unsuitable site conditions exist in close geographic proximity to each other; and

''(iii) a larger decentralized wastewater system could be cost-effectively installed.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, a private nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator determines to be appropriate.

''(3) PRIORITY.—In awarding grants under this subsection, the Administrator shall give priority to applicants that have substantial expertise and experience in promoting the safe and effective use of individual household decentralized wastewater systems.

''(4) ADMINISTRATIVE EXPENSES.—A private nonprofit organization may use amounts provided under this subsection to pay the administrative expenses associated with the provision of the services described in paragraph (1), as the Administrator determines to be appropriate.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), a private nonprofit organization shall use a grant provided under subsection (b) for the services described in paragraph (1) of that subsection.

''(2) APPLICATION.—To be eligible to receive the services described in subsection (b)(1), an eligible individual shall submit to the private nonprofit organization serving the area in which the individual household decentralized wastewater system of the eligible individuals is, or is proposed to be, located an application at such time, in such manner, and containing such information as the private nonprofit organization determines to be appropriate.

''(3) PRIORITY.—In awarding assistance under this subsection, a private nonprofit organization shall give priority to any eligible individual who does not have access to a sanitary sewage disposal system.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the recipients of grants under the program under this section and the results of the program under this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section $50,000,000 for each of fiscal years 2021 through 2023.

''(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.''.

SEC. 5404. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (as amended by section 5403) is amended by adding at the end the following:

"SEC. 224. CONNECTION TO PUBLICLY OWNED TREATMENT WORKS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an owner or operator of a publicly owned treatment works that assists or is seeking to assist low-income or moderate-income individuals with connecting the household of the individual to the publicly owned treatment works; or

''(B) a nonprofit entity that assists low-income or moderate-income individuals with

the costs associated with connecting the household of the individual to a publicly owned treatment works.

''(2) PROGRAM.—The term 'program' means the competitive grant program established under subsection (b).

''(3) QUALIFIED INDIVIDUAL.—The term 'qualified individual' has the meaning given the term 'eligible individual' in section 603(j).

''(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program with the purpose of improving general welfare, under which the Administrator awards grants to eligible entities to provide funds to assist qualified individuals in covering the costs incurred by the qualified individual in connecting the household of the qualified individual to a publicly owned treatment works.

''(c) APPLICATION.—

''(1) IN GENERAL.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may by regulation require.

''(2) REQUIREMENT.—Not later than 90 days after the date on which the Administrator receives an application from an eligible entity under paragraph (1), the Administrator shall notify the eligible entity of whether the Administrator will award a grant to the eligible entity under the program.

''(d) SELECTION CRITERIA.—In selecting recipients of grants under the program, the Administrator shall use the following criteria:

''(1) Whether the eligible entity seeking a grant provides services to, or works directly with, qualified individuals.

''(2) Whether the eligible entity seeking a grant—

''(A) has an existing program to assist in covering the costs incurred in connecting a household to a publicly owned treatment works; or

''(B) seeks to create a program described in subparagraph (A).

''(e) REQUIREMENTS.—

''(1) VOLUNTARY CONNECTION.—Before providing funds to a qualified individual for the costs described in subsection (b), an eligible entity shall ensure that—

''(A) the qualified individual has connected to the publicly owned treatment works voluntarily; and

''(B) if the eligible entity is not the owner or operator of the publicly owned treatment works to which the qualified individual has connected, the publicly owned treatment works to which the qualified individual has connected has agreed to the connection.

''(2) REIMBURSEMENTS FROM PUBLICLY OWNED TREATMENT WORKS.—An eligible entity that is an owner or operator of a publicly owned treatment works may reimburse a qualified individual that has already incurred the costs described in subsection (b) by—

''(A) reducing the amount otherwise owed by the qualified individual to the owner or operator for wastewater or other services provided by the owner or operator; or

''(B) providing a direct payment to the qualified individual.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the program $40,000,000 for each of fiscal years 2021 through 2023.

''(2) LIMITATION ON USE OF FUNDS.—Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.''.

SEC. 5405. WATER POLLUTION CONTROL REVOLVING LOAN FUND CAPITALIZATION GRANTS.

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (13)(B)—

(A) in the matter preceding clause (i), by striking ''and energy conservation'' and inserting ''and efficient energy use (including through the implementation of technologies to recapture and reuse energy produced in the treatment of wastewater)''; and

(B) in clause (iii), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting ''; and'' ; and

(3) by adding at the end the following:

''(15) to the extent there are sufficient projects or activities eligible for assistance from the fund, with respect to funds for capitalization grants received by the State under this title and section 205(m), the State will use not less than 15 percent of such funds for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities.''.

SEC. 5406. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(i) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking '', including forgiveness of principal and negative interest loans'' and inserting ''(including in the form of forgiveness of principal, negative interest loans, or grants)''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''in assistance''; and

(ii) in clause (ii)(III), by striking ''to such ratepayers'' and inserting ''to help such ratepayers maintain access to wastewater and stormwater treatment services''; and

(2) by striking paragraph (3) and inserting the following:

''(3) SUBSIDIZATION AMOUNTS.—

''(A) IN GENERAL.—A State may use, for providing additional subsidization in a fiscal year under this subsection, an amount that does not exceed—

''(i) during each of fiscal years 2021 through 2023, 40 percent of the total amount received by the State in capitalization grants under this title for the fiscal year; and

''(ii) during fiscal year 2024 and each fiscal year thereafter, 30 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.

''(B) MINIMUM.—To the extent there are sufficient applications for additional subsidization under this subsection that meet the criteria under paragraph (1)(A), a State shall use, for providing additional subsidization in a fiscal year under this subsection, an amount that is not less than 10 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.''.

SEC. 5407. AUTHORIZATION OF APPROPRIATIONS FOR WATER POLLUTION CONTROL STATE REVOLVING FUNDS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this title $3,000,000,000 for each of fiscal years 2021 through 2023.''.

SEC. 5408. BROWNFIELDS FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 104(k)(13) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(13)) is amended to read as follows:

''(13) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

''(A) $350,000,000 for fiscal year 2021;

''(B) $400,000,000 for fiscal year 2022; and

''(C) $450,000,000 for fiscal year 2023.''.

(b) STATE RESPONSE PROGRAMS.—Section 128(a)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9628(a)(3)) is amended to read as follows:

''(3) FUNDING.—There are authorized to be appropriated to carry out this subsection—

''(A) $70,000,000 for fiscal year 2021;

''(B) $80,000,000 for fiscal year 2022; and

''(C) $90,000,000 for fiscal year 2023.''.

SEC. 5409. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended—

(1) in subsection (b), in the first sentence, by inserting '', including a threat to public health resulting from contaminants, such as, but not limited to, heightened exposure to lead in drinking water'' after ''public health'';

(2) by striking subsection (d) and inserting the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $35,000,000 for each of fiscal years 2021 through 2023.'';

(3) in subsection (e)(5), by striking ''2015 through 2020'' and inserting ''2021 through 2023'';

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following:

''(f) STATE-BASED NONPROFIT ORGANIZATIONS.—The Administrator may provide technical assistance consistent with the authority provided under subsection (e) to State-based nonprofit organizations that are governed by community water systems.''.

SEC. 5410. GRANTS FOR STATE PROGRAMS.

Section 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–2(a)(7)) is amended by striking ''and 2021'' and inserting ''through 2023''.

SEC. 5411. DRINKING WATER STATE REVOLVING LOAN FUNDS.

(a) REAUTHORIZATIONS.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended—

(1) in subsection (a)(4)(A), by striking ''During fiscal years 2019 through 2023, funds'' and inserting ''Funds'';

(2) in subsection (m)(1)—

(A) in subparagraph (B), by striking ''and''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) $3,000,000,000 for each of fiscal years 2021 and 2022; and

''(D) $4,000,000,000 for fiscal year 2023.''; and

(3) in subsection (q), by striking ''2016 through 2021'' and inserting ''2021 through 2023''.

(b) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)) is amended—

(1) in paragraph (1), by inserting '', grants, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt'' after ''forgiveness of principal''; and

(2) in paragraph (2)(B), by striking ''6 percent'' and inserting ''20 percent''.

SEC. 5412. SOURCE WATER PETITION PROGRAM.

Section 1454(a) of the Safe Drinking Water Act (42 U.S.C. 300j–14(a)) is amended—

(1) in paragraph (1)(A), in the matter preceding clause (i), by striking ''political subdivision of a State,'' and inserting ''political

subdivision of a State (including a county that is designated by the State to act on behalf of an unincorporated area within that county, with the agreement of that unincorporated area),'';

(2) in paragraph (4)(D)(i), by inserting ''(including a county that is designated by the State to act on behalf of an unincorporated area within that county)'' after ''of the State''; and

(3) by adding at the end the following:

''(5) SAVINGS PROVISION.—Unless otherwise provided within the agreement, an agreement between an unincorporated area and a county for the county to submit a petition under paragraph (1)(A) on behalf of the unincorporated area shall not authorize the county to act on behalf of the unincorporated area in any matter not within a program under this section.''.

SEC. 5413. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

(a) EXISTING PROGRAMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) the purchase of point-of-entry or point-of-use filters that are independently certified using science-based test methods for the removal of contaminants of concern;

''(E) investments necessary for providing accurate and current information about—

''(i) the need for filtration, filter safety, and proper maintenance practices; and

''(ii) the options for replacing lead service lines (as defined section 1459B(a)) and removing other sources of lead in water; and

''(F) entering into contracts with nonprofit organizations that have water system technical expertise to assist underserved communities.

''(3) CONTRACTING PARTIES.—A contract described in paragraph (2)(F) may be between a nonprofit organization described in that paragraph and—

''(A) an eligible entity; or

''(B) the State of an eligible entity, on behalf of that eligible entity.'';

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''An eligible entity'' and inserting ''Except for purposes of subsections (j) and (m), an eligible entity'';

(3) in subsection (g)(1), by striking ''to pay not less than 45 percent'' and inserting ''except as provided in subsection (l)(5) and subject to subsection (h), to pay not less than 10 percent'';

(4) by striking subsection (h) and inserting the following:

''(h) WAIVER.—The Administrator may waive the requirement under subsection (g)(1).'';

(5) by striking subsection (k) and inserting the following:

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (a) through (j) $300,000,000 for each of fiscal years 2021 through 2023.''; and

(6) in subsection (l)—

(A) in paragraph (2)—

(i) by striking ''The Administrator may'' and inserting ''The Administrator shall''; and

(ii) by striking ''fiscal years 2019 and 2020'' and inserting ''fiscal years 2021 through 2023'';

(B) by striking paragraph (5) and inserting the following:

''(5) FEDERAL SHARE FOR UNDERSERVED COMMUNITIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), with respect to a program or project that serves an underserved community and is carried out using a grant under this subsection, the Federal share of the cost of the program or project shall be 90 percent.

''(B) WAIVER.—The Administrator may increase the Federal share under subparagraph (A)(ii) to 100 percent.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

''(A) $150,000,000 for each of fiscal years 2021 and 2022; and

''(B) $200,000,000 for fiscal year 2023.''.

(b) CONNECTION TO PUBLIC WATER SYSTEMS.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) is amended by adding at the end the following:

''(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(i) an owner or operator of a public water system that assists or is seeking to assist eligible individuals with connecting the household of the eligible individual to the public water system; or

''(ii) a nonprofit entity that assists or is seeking to assist eligible individuals with the costs associated with connecting the household of the eligible individual to a public water system.

''(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' has the meaning given the term in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)).

''(C) PROGRAM.—The term 'program' means the competitive grant program established under paragraph (2).

''(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a competitive grant program for the purpose of improving the general welfare under which the Administrator awards grants to eligible entities to provide funds to assist eligible individuals in covering the costs incurred by the eligible individual in connecting the household of the eligible individual to a public water system.

''(3) APPLICATION.—An eligible entity seeking a grant under the program shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(4) VOLUNTARY CONNECTION.—Before providing funds to an eligible individual for the costs described in paragraph (2), an eligible entity shall ensure that—

''(A) the eligible individual is voluntarily seeking connection to the public water system;

''(B) if the eligible entity is not the owner or operator of the public water system to which the eligible individual seeks to connect, the public water system to which the eligible individual seeks to connect has agreed to the connection; and

''(C) the connection of the household of the eligible individual to the public water system meets all applicable local and State regulations, requirements, and codes.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $40,000,000 for each of fiscal years 2021 through 2023.''.

(c) COMPETITIVE GRANT PILOT PROGRAM.—Section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a) (as amended by subsection (b)) is amended by adding at the end the following:

''(n) STATE COMPETITIVE GRANTS FOR UNDERSERVED COMMUNITIES.—

''(1) IN GENERAL.—In addition to amounts authorized to be appropriated under subsection (k), there is authorized to be appropriated to carry out subsections (a) through (j) $50,000,000 for each of fiscal years 2021 through 2023 in accordance with paragraph (2).

''(2) COMPETITIVE GRANTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, the Administrator shall distribute amounts made available under paragraph (1) to States through a competitive grant program.

''(B) APPLICATIONS.—To seek a grant under the competitive grant program under subparagraph (A), a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(C) PRIORITIZATION.—In selecting recipients of grants under the competitive grant program under subparagraph (A), the Administrator shall give priority to States with a high proportion of underserved communities that meet the condition described in subsection (a)(2)(A).

''(3) SAVINGS PROVISION.—Nothing in this paragraph affects the distribution of amounts made available under subsection (k), including any methods used by the Administrator for distribution of amounts made available under that subsection as in effect on the day before the date of enactment of this subsection.''.

SEC. 5414. REDUCING LEAD IN DRINKING WATER.

Section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j–19b) is amended—

(1) in subsection (d)—

(A) by inserting ''(except for subsection (d))'' after ''this section''; and

(B) by striking ''$60,000,000 for each of fiscal years 2017 through 2021'' and inserting ''$4,500,000,000 for each of fiscal years 2021 through 2023'';

(2) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (c) the following:

''(d) LEAD MAPPING UTILIZATION GRANT PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or likely to contain, lead service lines.

''(B) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist based on existing lead mapping of those eligible entities.

''(3) SELECTION.—

''(A) APPLICATION.—To be eligible to receive a grant under the pilot program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(B) PRIORITIZATION.—In selecting recipients under the pilot program, the Administrator shall give priority to an eligible entity that meets the affordability criteria established by the applicable State.

''(4) REPORT.—Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

''(A) the recipients of grants under the pilot program;

''(B) the existing lead mapping that was available to recipients of grants under the pilot program; and

''(C) how useful and accurate the lead mapping described in subparagraph (B) was in locating lead contaminants of the eligible entity.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program $10,000,000, to remain available until expended.

''(e) COMPREHENSIVE LEAD REDUCTION PROJECTS.—

''(1) GRANTS.—The Administrator shall make grants available under this subsection to eligible entities for comprehensive lead reduction projects that, notwithstanding any other provision in this section, fully replace all lead service lines served by the eligible entity, irrespective of the ownership of the service line.

''(2) PRIORITY.—In making grants under paragraph (1), the Administrator shall give priority to eligible entities serving—

''(A) disadvantaged communities in accordance with subsection (b)(3);

''(B) environmental justice communities with significant representation of communities of color or low-income communities; or

''(C) Tribal and indigenous communities that experience, or are at risk of experiencing, higher or more adverse human health or environmental effects.

''(3) NO COST-SHARING.—The Federal share of the cost of a project carried out pursuant to this subsection shall be 100 percent, and no individual homeowner shall be required to provide a contribution to the cost of replacement of any portion of a service line replaced using a grant under this subsection.''.

SEC. 5415. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

''SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a unit of local government;

''(B) a public corporation established by a unit of local government to provide water service;

''(C) a nonprofit corporation, public trust, or cooperative association that owns or operates a public water system; and

''(D) an Indian Tribe that owns or operates a public water system.

''(2) OPERATIONAL SUSTAINABILITY.—The term 'operational sustainability' means the ability to improve the operation of a small system through the identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures.

''(3) PROGRAM.—The term 'program' means the grant program established under subsection (b).

''(4) SMALL SYSTEM.—The term 'small system' means a public water system that—

''(A) serves fewer than 10,000 people; and

''(B) is owned or operated by—

''(i) a unit of local government;

''(ii) a public corporation;

''(iii) a nonprofit corporation;

''(iv) a public trust;

''(v) a cooperative association; or

''(vi) an Indian Tribe.

''(b) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator shall establish a program to award grants to eligible entities for the purpose of improving the operational sustainability of 1 or more small systems.

''(c) APPLICATIONS.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

''(1) a proposal of the project to be carried out using grant funds under the program;

''(2) documentation prepared by the eligible entity describing the deficiencies or suspected deficiencies in operational sustainability of 1 or more small systems that are to be addressed through the proposed project;

''(3) a description of how the proposed project will improve the operational sustainability of 1 or more small systems;

''(4) a description of how the improvements described in paragraph (3) will be maintained beyond the life of the proposed project, including a plan to maintain and update any asset data collected as a result of the proposed project;

''(5)(A) if the eligible entity is located in a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the eligible entity and the State in which the eligible entity agrees to provide a copy of any data collected under the proposed project to the State agency administering the State drinking water treatment revolving loan fund (or a designee); or

''(B) if the eligible entity is located in an area other than a State that has established a State drinking water treatment revolving loan fund under section 1452, a copy of a written agreement between the eligible entity and the Administrator in which the eligible entity agrees to provide a copy of any data collected under the proposed project to the Administrator (or a designee); and

''(6) any additional information the Administrator may require.

''(d) USE OF FUNDS.—An eligible entity that receives a grant under the program shall use the grant funds to carry out projects that improve the operational sustainability of 1 or more small systems through—

''(1) the development of a detailed asset inventory, which may include drinking water sources, wells, storage, valves, treatment systems, distribution lines, hydrants, pumps, controls, and other essential infrastructure;

''(2) the development of an infrastructure asset map, including a map that uses technology such as—

''(A) geographic information system software; and

''(B) global positioning system software;

''(3) the deployment of leak detection technology;

''(4) the deployment of metering technology;

''(5) training in asset management strategies, techniques, and technologies appropriate staff employed by—

''(A) the eligible entity; or

''(B) the small systems for which the grant was received; and

''(6) the development or deployment of other strategies, techniques, or technologies that the Administrator may determine to be appropriate under the program.

''(e) COST SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a project carried out using a grant under the program shall be 90 percent of the total cost of the project.

''(2) WAIVER.—The Administrator may increase the Federal share under paragraph (1) to 100 percent.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2021 through 2023.''.

SEC. 5416. DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 5415) is amended by adding at the end the following:

''SEC. 1459F. DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) NATURAL HAZARD; RESILIENCE.—The terms 'resilience' and 'natural hazard' have the meanings given those terms in section 1433(h).

''(2) RESILIENCE AND SUSTAINABILITY PROGRAM.—The term 'resilience and sustainability program' means the Drinking Water System Infrastructure Resilience and Sustainability Program established under subsection (b).

''(b) ESTABLISHMENT.—The Administrator shall establish and carry out a program, to be known as the 'Drinking Water System Infrastructure Resilience and Sustainability Program', under which the Administrator, subject to the availability of appropriations for the resilience and sustainability program, shall award grants to public water systems for the purpose of increasing resilience to natural hazards.

''(c) USE OF FUNDS.—A public water system may only use grant funds received under the resilience and sustainability program to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards through—

''(1) the conservation of water or the enhancement of water-use efficiency;

''(2) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards, including risks to drinking water from flooding;

''(3) the design or construction of new or modified desalination facilities to serve existing communities;

''(4) the enhancement of water supply through the use of watershed management and source water protection;

''(5) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or

''(6) the development and implementation of measures to increase the resilience of the public water system to natural hazards.

''(d) APPLICATION.—To seek a grant under the resilience and sustainability program, a public water system shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

''(1) a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the public water system;

''(2) an identification of the natural hazard risk to be addressed by the proposed program or project;

''(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk to the area where the proposed program or project is to be located;

''(4) a description of any recent natural hazard events that have affected the public water system;

''(5) a description of how the proposed program or project would improve the performance of the public water system under the anticipated natural hazards; and

''(6) an explanation of how the proposed program or project is expected to enhance the resilience of the public water system to the anticipated natural hazards.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the resilience and sustainability program—

''(1) $150,000,000 for each of fiscal years 2021 and 2022; and

''(2) $200,000,000 for fiscal year 2023.''.

SEC. 5417. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) (as amended by section 5416) is amended by adding at the end the following:

''SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

''(a) DEFINITION OF LOW-INCOME HOUSEHOLD.—In this section, the term 'low-income household' means a household that has an income that, as determined by the State in which the household is located, does not exceed the greater of—

''(1) an amount equal to 150 percent of the poverty level of that State; and

''(2) an amount equal to 60 percent of the State median income for that State.

''(b) STUDY; REPORT.—

''(1) IN GENERAL.—Subject to the availability of appropriations, not later than 2 years after the date of enactment of this section, the Administrator shall conduct, and submit to Congress a report describing the results of, a study regarding the prevalence throughout the United States of low-income households, including low-income renters, that do not have access to affordable public drinking water services to meet household needs.

''(2) INCLUSIONS.—The report under paragraph (1) shall include—

''(A) recommendations of the Administrator regarding the best methods to increase access to affordable and reliable drinking water services;

''(B) a description of the cost of each method described in subparagraph (A);

''(C) an examination of, to the extent feasible—

''(i) levels of household water debt during the 5-year period ending on the date on which the report is published;

''(ii) rates of water shutoffs during that period;

''(iii) durations of those water shutoffs during that period; and

''(iv) actions of utilities and jurisdictions, as applicable, during that period against households with water debt, including property liens and foreclosures; and

''(D) with respect to the development of the report, a consultation with all relevant stakeholders.

''(3) AGREEMENTS.—The Administrator may enter into an agreement with another Federal agency to carry out the study under paragraph (1).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.''.

SEC. 5418. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

Section 1464 of the Safe Drinking Water Act (42 U.S.C. 300j–24) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ''public water systems and'' after ''to assist'';

(B) in the third sentence, by inserting ''public water systems,'' after ''schools,''; and

(C) in the sixth sentence, by striking ''within 100 days after the enactment of this section'' and inserting ''not later than 100 days after the date of enactment of the Economic Justice Act''; and

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting '', public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations'' before ''in voluntary'';

(II) by striking the period at the end and inserting ''; and'';

(III) by striking ''grants available to States'' and inserting the following: ''grants available to—

''(i) States''; and

(IV) by adding at the end the following:

''(ii) tribal consortia to assist tribal education agencies (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)) in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the tribal education agency.'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period at the end and inserting a semicolon; and

(III) by adding at the end the following:

''(iii) any public water system that is located in a State that does not participate in the voluntary grant program established under subparagraph (A) that—

''(I) assists schools or child care programs in lead testing; or

''(II) provides technical assistance to schools or child care programs in carrying out lead testing; or

''(iv) a qualified nonprofit organization, as determined by the Administrator.'';

(B) in paragraphs (3), (5), (6), and (7), by striking ''State or local educational agency'' each place it appears and inserting ''State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization'';

(C) in paragraph (4), by striking ''States and local educational agencies'' and inserting ''States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations'';

(D) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting '', public water system, tribal consortium, or qualified nonprofit organization'' after ''each local educational agency'';

(ii) in subparagraph (A)(ii), by inserting ''or tribal'' after ''applicable State''; and

(iii) in subparagraph (B)(i), by inserting ''applicable'' before ''local educational agency''; and

(E) in paragraph (8), by striking ''2020 and 2021'' and inserting ''2021 through 2023''.

SEC. 5419. INDIAN RESERVATION DRINKING WATER PROGRAM.

Section 2001 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency'' and inserting ''The Administrator of the Environmental Protection Agency (referred to in this section as the 'Administrator')''; and

(B) by striking ''to implement'' in the matter preceding paragraph (1) and all that follows through the period at the end of paragraph (2) and inserting ''to implement eligible projects described in subsection (b).'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be 100 percent.''; and

(4) in subsection (e) (as so redesignated)—

(A) by striking ''There is'' and inserting ''There are'';

(B) by striking ''subsection (a) $20,000,000'' and inserting the following: ''subsection (a)—

''(1) $20,000,000'';

(C) in paragraph (1) (as so designated), by striking ''2022'' and inserting ''2020''; and

(D) by adding at the end the following:

''(2) $50,000,000 for each of fiscal years 2021 through 2023.''.

SEC. 5420. WATER INFRASTRUCTURE AND WORKFORCE INVESTMENT.

Section 4304 of the America's Water Infrastructure Act of 2018 (42 U.S.C. 300j–19e) is amended—

(1) in subsection (a)(3)(B), by inserting ''and public works departments and agencies'' after ''organizations'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''institutions—'' and inserting ''institutions, or public works departments and agencies—''; and

(ii) in subparagraph (A)(ii), by inserting ''for entities that are not public works departments and agencies,'' before ''working'';

(B) in paragraph (4)—

(i) by striking ''There is'' and inserting the following:

''(A) IN GENERAL.—There is'';

(ii) in subparagraph (A) (as so designated), by striking ''$1,000,000 for each of fiscal years 2019 and 2020'' and inserting ''$100,000,000 for each of fiscal years 2021 through 2023''; and

(iii) by adding at the end the following:

''(B) SENSE OF THE SENATE.—It is the sense of the Senate that, of the funds made available under subparagraph (A) each fiscal year, not less than 40 percent should be used to provide grants that would serve—

''(i) low-income individuals; and

''(ii) underserved communities (as defined in section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–19a(a))).'';

(3) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(4) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITION OF PUBLIC WORKS DEPARTMENT OR AGENCY.—In this section, the term 'public works department or agency' means a political subdivision of a local, county, or regional government that designs, builds, operates, and maintains water infrastructure, sewage and refuse disposal systems, and other public water systems and facilities.''.

SEC. 5421. SMALL AND DISADVANTAGED COMMUNITY ANALYSIS.

(a) ANALYSIS.—Not later than 1 year after the date of enactment of this Act, using environmental justice data of the Environmental Protection Agency, including data from the environmental justice mapping and screen tool of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') shall carry out an analysis under which the Administrator shall assess the programs under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) to identify historical distributions of funds to small and disadvantaged communities and new opportunities and methods to improve on the distribution of funds under those programs to low-income communities, rural communities, minority communities, and communities of indigenous peoples, in accordance with Executive Order 12898 (42 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating to Federal actions to address environmental justice in minority populations and low-income populations)).

(b) REPORT.—On completion of the analysis under subsection (a), the Administrator shall

submit to the Committee on Environment and Public Works of the Senate and the Committees on Energy and Commerce and Transportation and Infrastructure of the House of Representatives a report describing—

(1) the results of the analysis; and

(2) the criteria the Administrator used in carrying out the analysis.

SEC. 5422. MAPPING AND SCREENING TOOL.

The Administrator of the Environmental Protection Agency shall continue to update, on an annual basis, and make available to the public EJSCREEN or an equivalent environmental justice mapping and screening tool, which shall include information on public water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)), self-supplied communities (such as State and small and domestic well communities), the presence of toxic water at the household and system level, and water affordability.

SEC. 5423. EMERGENCY HOUSEHOLD WATER AND WASTEWATER ASSISTANCE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency described in section 1135(g)(1)(B)(i) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)(i)).

(3) ELIGIBLE HOUSEHOLD.—The term ''eligible household'' means—

(A) a household that—

(i) is economically affected by the COVID–19 public health emergency;

(ii) has applied for and been deemed eligible for assistance under this section; or

(B) a low-income household, as determined by an eligible utility under subsection (h), that has applied for and been deemed eligible for assistance under this section.

(4) ELIGIBLE UTILITY.—The term ''eligible utility'' means an owner or operator of—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); or

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)) for municipal waste.

(5) EMERGENCY PERIOD.—The term ''emergency period'' means the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)).

(6) GRANTING ENTITY.—The term ''granting entity'' means—

(A) with respect to a grant to an eligible utility under subsection (b)(2), the Administrator; and

(B) with respect to a grant to an eligible utility pursuant to subsection (c)(1), the State or Indian Tribe making the grant, as applicable.

(7) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

(8) MUNICIPALITY.—The term ''municipality'' has the meaning given the term in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

(9) STATE.—The term ''State'' means—

(A) each of the several States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) the United States Virgin Islands;

(E) Guam;

(F) American Samoa; and

(G) the Commonwealth of the Northern Mariana Islands.

(b) ESTABLISHMENT.—The Administrator shall establish an emergency household water and wastewater assistance program under which the Administrator shall—

(1) not later than 45 days after the date of enactment of this Act and during each of fiscal years 2022 and 2023, make grants to States and Indian Tribes; and

(2) make grants to eligible utilities.

(c) USE OF FUNDS.—

(1) GRANTS TO STATES AND INDIAN TRIBES.—A State or Indian Tribe receiving a grant under subsection (b)(1) shall use the funds received under the grant to make grants to eligible utilities.

(2) GRANTS TO ELIGIBLE UTILITIES.—An eligible utility receiving a grant from a State or Indian Tribe under paragraph (1) or receiving a grant from the Administrator under subsection (b)(2) shall use the amounts received under the grant—

(A) to provide rate assistance to eligible households;

(B) for ongoing operation and maintenance activities affected by a loss of revenue from eligible households; and

(C) to the extent practicable with any funds remaining after carrying out subparagraphs (A) and (B), to cancel water debts for eligible households that accrued during the 5-year period ending on the date that is the first day of the emergency period.

(d) APPLICATIONS.—Each eligible utility seeking to receive a grant under or pursuant to this section shall submit an application to the Administrator, State, or Indian Tribe, as applicable, at such time, in such manner, and containing such information as the Administrator shall require.

(e) CONDITIONS.—

(1) MINIMUM REQUIREMENTS.—An eligible utility that receives a grant under or pursuant to this section shall—

(A) certify to the granting entity that it has conducted outreach activities designed to ensure that eligible households are made aware of the assistance available pursuant to this section, including by partnering with nonprofit organizations that serve low-income households;

(B) identify and submit to the granting entity a report describing—

(i) how many eligible households were identified;

(ii) the level of subsidy needed to provide assistance to all of the eligible households described in clause (i); and

(iii) how the granted funds were used to benefit eligible households; and

(C) establish procedures—

(i) to notify each eligible household receiving assistance pursuant to this section of the amount of that assistance; and

(ii) to ensure that the eligible utility charges an eligible household, in the normal billing process not more than the difference between—

(I) the actual cost of the drinking water or wastewater service provided to the eligible household; and

(II) the amount of the assistance provided.

(2) CONTINUITY OF WATER AND WASTEWATER SERVICES.—An eligible utility that receives a grant under or pursuant to this section shall ensure that—

(A) no service provided by the eligible utility to an individual or household is disconnected or interrupted during the COVID–19 public health emergency due to nonpayment; and

(B) during the emergency period and the 1-year period beginning on the day after the date on which the emergency period terminates, no eligible household is charged—

(i) a late fee for an unpaid bill for service provided by the eligible utility; or

(ii) a reconnection fee for a shutoff that occurred during the emergency period.

(3) HOUSEHOLD DOCUMENTATION REQUIREMENTS.—An eligible utility that receives a grant under or pursuant to this section shall—

(A) to the maximum extent practicable, seek to limit the income history documentation requirements for determining whether a household is considered to be economically affected by the COVID–19 public health emergency or a low-income household for the purposes of this section; and

(B) for the purposes of income eligibility, accept proof of job loss or severe income loss dated after February 29, 2020, such as a layoff or furlough notice or verification of application for unemployment benefits, as sufficient to demonstrate lack of income for an individual or household.

(f) AUDITS.—The Administrator shall require each State, Indian Tribe, and eligible utility receiving a grant under or pursuant to this section to undertake periodic audits and evaluations of expenditures made by the State, Indian Tribe, or eligible utility, as applicable, pursuant to this section.

(g) GUIDELINES.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator shall issue guidelines for complying with the requirements of this section, including guidelines for—

(A) identifying households that are—

(i) economically affected by the COVID–19 public health emergency; or

(ii) low-income households; and

(B) conducting any required audits and evaluations.

(2) CONSULTATION.—In issuing guidelines under paragraph (1), the Administrator shall consult with the Secretary of Health and Human Services, other Federal agencies with experience in administering Federal rate assistance programs for low-income households, States, Indian Tribes, eligible utilities, and nonprofit organizations that serve low-income households.

(h) DETERMINATION OF LOW-INCOME HOUSEHOLDS.—In determining whether a household is considered to be a low-income household for the purposes of receiving assistance pursuant to this section, an eligible utility—

(1) shall ensure that, at a minimum, all households within 150 percent of the Federal poverty line are included as low-income households; and

(2) may include other households, including households in which 1 or more individuals are receiving—

(A) assistance under the program of block grants to States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) payments under the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

(C) assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

(D) payments under—

(i) section 1315, 1521, 1541, or 1542 of title 38, United States Code; or

(ii) section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978 (38 U.S.C. 1521 note; Public Law 95–588).

(i) SUBMISSIONS TO CONGRESS.—The Administrator shall submit to the Committees on Appropriations, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Environment and Public Works of the Senate—

(1) on the date on which the Administrator makes grants under subsection (b)(1), a report indicating the amounts granted to each State and Indian Tribe;

(2) on the issuance of guidelines under subsection (g), a copy of the guidelines;

(3) not later than 180 days after the date of enactment of this Act, and every other month thereafter during each fiscal year for which funding for this section is provided, a report listing—

(A) each eligible utility that received a grant under or pursuant to this section;

(B) the amount of the grant; and

(C) how the granted funds were used; and

(4) not later than 1 year after the date of enactment of this Act, and on final disbursement of all funds appropriated pursuant to this section, a report on the results of activities carried out pursuant to this section.

(j) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended—

(A) $2,000,000,000 for fiscal year 2021; and

(B) $1,500,000,000 for each of fiscal years 2022 and 2023.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Of the amounts made available to carry out this section under paragraph (1), the Administrator shall—

(i) use 1 percent to make grants under subsection (b)(1) to Indian Tribes;

(ii) use 49 percent to make grants under subsection (b)(1) to States in accordance with subparagraph (B); and

(iii) with any remaining amounts, make grants to eligible utilities under subsection (b)(2).

(B) STATE ALLOTMENTS.—Of the amounts described in subparagraph (A)(ii), the Administrator shall allot—

(i) 50 percent in accordance with the percentages used by the Administrator to allot amounts appropriated to carry out title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) pursuant to section 205(c)(3) of that Act (33 U.S.C. 1285(c)(3)); and

(ii) 50 percent in accordance with the formula used by the Administrator to allot funds appropriated to carry out section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(3) ADMINISTRATIVE COSTS.—The Administrator and any State, Indian Tribe, or eligible utility that receives a grant under or pursuant to this section may use up to 5 percent of the granted amounts for administrative costs.

SEC. 5424. REQUIREMENT.

Notwithstanding any other provision of law, of the amounts made available under this chapter or any amendment made by this chapter, the Administrator of the Environmental Protection Agency shall ensure, to the maximum extent practicable, that not less than 12.5 percent is used to support jobs of persons of color or businesses owned by persons of color.

CHAPTER 2—CLEAN AIR PROGRAMS

SEC. 5431. WOOD HEATERS EMISSIONS REDUCTION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AFFECTED WOOD HEATER MODEL.—The term ''affected wood heater model'' means a model of wood heater described in—

(A) section 60.530(a) of title 40, Code of Federal Regulations (or a successor regulation); and

(B) subsections (a) and (b) of section 60.5472 of that title.

(3) CERTIFIED CLEAN HEATER.—The term ''certified clean heater'' means a heater that—

(A) has been certified or verified by—

(i) the Administrator; or

(ii) the California Air Resources Board;

(B) meets or has emissions below the most stringent Step 2 emission reductions standards described in the Final Rule;

(C) with respect to an affected wood heater model, has a thermal efficiency rating of not less than 65 percent, as certified by the Administrator under the Final Rule; and

(D) is installed by a licensed or certified professional or verified by the State in which the heater is being installed.

(4) FINAL RULE.—The term ''Final Rule'' means the final rule entitled ''Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces'' (80 Fed. Reg. 13672 (March 16, 2015)).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(6) REGIONAL AGENCY.—The term ''regional agency'' means a regional or local government agency—

(A) with jurisdiction over air quality; or

(B) that has received approval from the air quality program of the State of the agency to carry out a wood heater emissions reduction and replacement program.

(7) REPLACEMENT OF AN OLD WOOD HEATER.—The term ''replacement of an old wood heater'' means the replacement of an existing wood heater that—

(A) does not meet the reductions standards described in paragraph (3)(B);

(B) is removed from a home or building in which the wood heater was the primary or secondary source of heat; and

(C) is surrendered to a supplier, retailer, or other entity, as defined by the Administrator, who shall render the existing wood heater inoperable and ensure the existing wood heater is disposed through—

(i) recycling; or

(ii) scrappage.

(8) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) the United States Virgin Islands;

(F) American Samoa; and

(G) the Commonwealth of the Northern Mariana Islands.

(9) WOOD HEATER.—The term ''wood heater'' means an enclosed, wood-burning appliance capable of and intended for residential space heating or space heating and domestic water heating that is an affected wood heater model, including—

(A) a residential wood heater;

(B) a hydronic heater; and

(C) a forced-air furnace.

(b) ESTABLISHMENT OF GRANT PROGRAM FOR WOOD HEATER EMISSIONS REDUCTIONS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall establish a grant program that provides funding for grant, rebate, and other programs administered by States, regional agencies, and Indian tribes that are designed—

(A) to provide financial incentives to homeowners for the replacement of old wood heaters that greatly contribute to particulate pollution with more efficient, cleaner-burning heaters that are—

(i) properly installed; and

(ii) certified clean heaters;

(B) to achieve significant reductions in emissions from wood heaters in terms of pollution produced by wood heaters and wood heater emissions exposure;

(C) to help homeowners transition to safer and more efficient sources of heat; and

(D) to support retailers, installers, and manufacturers that sell and make certified clean heaters that are more efficient and cleaner-burning.

(2) APPLICATIONS.—The Administrator shall—

(A) provide to States, regional agencies, and Indian tribes guidance for use in applying for funding under this subsection, including information regarding—

(i) the process and forms for applications;

(ii) permissible uses of funds received under this subsection; and

(iii) the cost-effectiveness of various emission reduction technologies eligible for funds provided under this subsection;

(B) establish, for applications described in subparagraph (A)—

(i) an annual deadline for submission of the applications;

(ii) a process by which the Administrator shall approve or disapprove each application;

(iii) a simplified application submission process to expedite the provision of funds; and

(iv) a streamlined process by which a State, regional agency, or Indian tribe may renew an application described in subparagraph (A) for subsequent fiscal years;

(C) require States or regional agencies applying for funding under this subsection to provide detailed information on how the State or regional agency intends to carry out and verify projects under the wood heater emissions reduction program of the State or regional agency, including—

(i) a description of the air quality in the State or the area in which the regional agency has jurisdiction;

(ii) the means by which the project will achieve a significant reduction in wood heater emissions and air pollution, including the estimated quantity of—

(I) residences that depend on non-certified clean heaters as a primary or secondary source of heat; and

(II) air pollution produced by wood heaters in the State or the area in which the regional agency has jurisdiction;

(iii) an estimate of the cost and economic benefits of the proposed project;

(iv) the means by which the funds will be distributed, including a description of the intended recipients of the funds;

(v) a description of any efforts to target low-income individuals that own older wood heaters;

(vi) provisions for the monitoring and verification of the project; and

(vii) a description of how the program will carry out the replacement of old wood heaters, including—

(I) how the older units will be removed and placed out of service; and

(II) how new heaters purchased with funding provided under this subsection will be installed; and

(D) require Indian tribes applying for funding under this subsection to provide detailed information on how the Indian tribe intends to carry out and verify projects under the wood heater emissions reduction program of the Indian tribe, including—

(i) the means by which the project will achieve a significant reduction in wood heater emissions;

(ii) an estimate of the cost and economic benefits of the proposed project;

(iii) the means by which the funds will be distributed, including a description of the intended recipients of the funds;

(iv) a description of any efforts to target low-income individuals that own older wood heaters;

(v) provisions for the monitoring and verification of the project; and

(vi) a description of how the program will carry out the replacement of old wood heaters, including—

(I) how the older units will be removed and placed out of service; and

(II) how new heaters purchased with funding provided under this subsection will be installed.

(3) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—For each fiscal year, the Administrator shall allocate funds made available to carry out this subsection—

(i) among States, regional agencies, and Indian tribes that submitted an application under this subsection that was approved by the Administrator;

(ii) of which not less than 4 percent shall be allocated to Indian tribes to perform functions that include—

(I) addressing subsequent maintenance costs resulting from the installation of wood heaters under this subsection; and

(II) training qualified installers and technicians; and

(iii) among different geographic areas and varying population densities.

(B) ALLOCATION PRIORITY.—The Administrator shall provide to each State, regional agency, and Indian tribe described in subparagraph (A) for a fiscal year an allocation of funds, with priority given to States, regional agencies, and Indian tribes that will use the funds to support projects that—

(i) maximize public health benefits, including indoor and outdoor air quality;

(ii) are the most cost-effective;

(iii) target the replacement of wood heaters that emit the most pollution;

(iv) include certified clean heaters and other heaters that achieve emission reductions and efficiency improvements that are more stringent than the Step 2 emission reductions standards, as described in the Final Rule;

(v) target low-income households;

(vi) encourage the recycling of old wood heaters when replacing those heaters; and

(vii) serve areas that—

(I) receive a disproportionate quantity of air pollution from wood heaters;

(II) have a high percentage of residents that use wood as their primary source of heat; or

(III) are poor air quality areas, including areas identified by the Administrator as—

(aa) in nonattainment or maintenance of national ambient air quality standards for particulate matter under section 109 of the Clean Air Act (42 U.S.C. 7409); or

(bb) class I areas under section 162(a) of that Act (42 U.S.C. 7472(a)).

(C) UNOBLIGATED FUNDS.—Any funds that are not obligated by a State, regional agency, or Indian tribe by a date determined by the Administrator in a fiscal year shall be reallocated pursuant to the priorities described in subparagraph (B).

(D) STATE, REGIONAL AGENCY, AND TRIBAL MATCHING INCENTIVE.—

(i) IN GENERAL.—Subject to clause (ii), if a State, regional agency, or Indian tribe agrees to match the allocation provided to the State, regional agency, or Indian tribe under subparagraph (A) for a fiscal year, the Administrator shall provide to the State, regional agency, or Indian tribe for the fiscal year a matching incentive consisting of an additional amount equal to 30 percent of the allocation of the State, regional agency, or Indian tribe under subparagraph (A).

(ii) REQUIREMENT.—To receive a matching incentive under clause (i), a State, regional agency, or Indian tribe—

(I) may not use funds received under this subsection to pay a matching share required under this paragraph; and

(II) shall not be required to provide a matching share for any additional amount received under that clause.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), States, regional agencies, and Indian tribes shall use any funds provided under this subsection—

(i) to develop and implement such programs in the State or in areas under the jurisdiction of the regional agency or Indian tribe as are appropriate to meet the needs and goals of the State, regional agency, or Indian tribe; and

(ii) to the maximum extent practicable, to use the programs described in clause (i) to give high priority to projects that serve areas described in paragraph (3)(B)(vii).

(B) APPORTIONMENT OF FUNDS.—The chief executive officer of a State, regional agency, or Indian tribe that receives funding under this subsection may determine the portion of funds to be provided as grants and the portion to be provided as rebates.

(C) USE OF FUNDS.—A State, regional agency, or Indian tribe shall use funds provided under this subsection for—

(i) projects to complete the replacement of old wood heaters, including the installation of heaters and training of certified installers of heaters that—

(I) are at least as efficient and clean-burning as certified clean heaters; and

(II) meet the purposes described in paragraph (1); and

(ii) with respect to Indian tribes, the purposes described in paragraph (3)(A)(ii).

(D) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, not supplant, funds made available for existing State clean air programs.

(E) PUBLIC NOTIFICATION.—Not later than 60 days after the date on which the Administrator makes funding available under this subsection each fiscal year, the Administrator shall publish on the website of the Environmental Protection Agency—

(i) the total number of grants awarded and the amounts provided to States, regional agencies, and Indian tribes;

(ii) a general description of each application of a State, regional agency, or Indian tribe that received funding; and

(iii) the estimated number of wood heaters that will be replaced using funds made available under this subsection.

(F) REPORT.—Not later than 2 years after the date on which funds are first made available under this subsection, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the program under this subsection.

(c) OUTREACH AND INCENTIVES.—The Administrator shall establish a program under which the Administrator shall—

(1) inform stakeholders of the benefits of replacing wood heaters that do not meet the Step 2 emission reductions standards described in the Final Rule;

(2) develop nonfinancial incentives to promote the proper installation and use of certified clean heaters; and

(3) consult with Indian tribes to carry out the purposes of this section.

(d) SUPPLEMENTAL ENVIRONMENTAL PROJECTS.—

(1) EPA AUTHORITY TO ACCEPT WOOD HEATER EMISSIONS REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS.—Section 1 of Public Law 110–255 (42 U.S.C. 16138) is amended—

(A) in the heading, by inserting ''and wood heater'' after ''diesel''; and

(B) in the matter preceding paragraph (1), by inserting ''and wood heater'' after ''diesel''.

(2) SETTLEMENT AGREEMENT PROVISIONS.—Section 2 of Public Law 110–255 (42 U.S.C. 16139) is amended in the first sentence—

(A) by inserting ''or wood heater'' after ''diesel'' each place it appears;

(B) by inserting '', as applicable,'' before ''if the Administrator''; and

(C) by inserting '', as applicable'' before the period at the end.

(e) FUNDING.—

(1) MANDATORY FUNDING.—

(A) IN GENERAL.—On October 1, 2020, or as soon as practicable thereafter, and on each October 1 thereafter through October 1, 2022, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator to carry out this section $75,000,000 for the applicable fiscal year, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Administrator shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

(3) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 1 percent of the amounts made available under this subsection for each fiscal year for management and oversight of the programs under this section.

SEC. 5432. DIESEL EMISSIONS REDUCTION PROGRAM.

(a) MANDATORY FUNDING.—

(1) IN GENERAL.—On October 1, 2021, or as soon as practicable thereafter, and on each October 1 thereafter through October 1, 2023, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Administrator of the Environmental Protection Agency to carry out subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.) $300,000,000 for the applicable fiscal year, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Administrator of the Environmental Protection Agency shall be entitled to receive, shall accept, and shall use to carry out subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.) the funds transferred under paragraph (1), without further appropriation.

(3) REQUIREMENT.—Of the funds transferred under paragraph (1) in each fiscal year, not more than $150,000,000 may be used to provide assistance under subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.) to port authorities with jurisdiction over transportation or air quality.

(b) COST-SHARE FOR ZERO TAILPIPE EMISSION VEHICLE.—Notwithstanding subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.), the Federal share of the purchase of a zero tailpipe emission vehicle using amounts made available under subsection (a) shall be 100 percent.

SEC. 5433. PROTECTION OF THE MERCURY AND AIR TOXICS STANDARDS.

Section 112(n)(1)(A) of the Clean Air Act (42 U.S.C. 7412(n)(1)(A)) is amended, in the fourth sentence, by striking '', if the Administrator'' and all that follows through ''this subparagraph''.

SEC. 5434. NET ZERO EMISSIONS AT PORT FACILITIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Administrator of the Federal Highway Administration (referred to in this section as the ''Administrator'') shall establish a program to reduce emissions at port facilities, under which the Administrator shall—

(A) study how ports and intermodal port transfer facilities would benefit from increased opportunities to reduce emissions at ports, including through the electrification of port operations;

(B) study emerging technologies and strategies that may help reduce port-related emissions by implementing shore power

technology and other net zero emissions technology, including equipment that handles cargo, port harbor craft, drayage trucks, charging and fueling infrastructure, and electric truck refrigeration units; and

(C) coordinate and provide funding to test, evaluate, and deploy projects that reduce port-related emissions, including shore power technology and net zero emissions port equipment and technology, such as equipment that handles cargo, port harbor craft, drayage trucks, charging and fueling infrastructure, electric truck refrigeration units, and other technology the Administrator determines to be appropriate.

(2) CONSULTATION.—In carrying out the program under this subsection, the Administrator may consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out subsection (a)(1)(C), the Administrator shall award grants to fund projects that reduce emissions at ports, including through the advancement of port electrification.

(2) COST SHARE.—A grant awarded under paragraph (1) shall not exceed 80 percent of the total cost of the project funded by the grant.

(3) COORDINATION.—In carrying out the grant program under this subsection, the Administrator shall—

(A) to the maximum extent practicable, leverage existing resources and programs of the Federal Highway Administration and other relevant Federal agencies; and

(B) coordinate with other Federal agencies, as the Administrator determines to be appropriate.

(4) APPLICATION; SELECTION; PRIORITY.—

(A) APPLICATION.—The Administrator shall solicit applications for grants under paragraph (1) at such time, in such manner, and containing such information as the Administrator determines to be necessary.

(B) SELECTION.—The Secretary shall make grants under paragraph (1) by not later than April 1 of each fiscal year for which funding is made available.

(C) PRIORITY.—In making grants for projects under paragraph (1), the Administrator shall give priority to projects that reduce—

(i) greenhouse gas emissions;

(ii) emissions of any criteria air pollutant and any precursor of the criteria air pollutant;

(iii) hazardous air pollutant emissions; and

(iv) public health disparities in communities that receive a disproportionate quantity of air pollution from a port.

(5) REQUIREMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

(c) REPORT.—Not later than 1 year after the date on which all of the projects funded with a grant under subsection (b) are completed, the Administrator shall submit to Congress a report that includes—

(1) the findings of the studies described in subparagraphs (A) and (B) of subsection (a)(1);

(2) the results of the projects that received a grant under subsection (b);

(3) any recommendations for workforce development and training opportunities with respect to port electrification; and

(4) any policy recommendations based on the findings and results described in paragraphs (1) and (2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established under subsection (a)(1) $250,000,000 for each of fiscal years 2021 through 2023.

CHAPTER 3—HEALTHY TRANSPORTATION

SEC. 5441. RESTORING NEIGHBORHOODS AND STRENGTHENING COMMUNITIES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CAPITAL CONSTRUCTION GRANT.—The term ''capital construction grant'' means a capital construction grant under subsection (f).

(2) COMMUNITY ENGAGEMENT, EDUCATION, AND CAPACITY BUILDING GRANT.—The term ''community engagement, education, and capacity building grant'' means a community engagement, education, and capacity building grant under subsection (d).

(3) COMMUNITY OF COLOR.—The term ''community of color'' means, in a State, a census block group for which the aggregate percentage of residents who identify as Black, African-American, American Indian, Alaska Native, Native Hawaiian, Asian, Pacific Islander, Hispanic, Latino, other nonwhite race, or linguistically isolated is—

(A) not less than 50 percent; or

(B) significantly higher than the State average.

(4) INFRASTRUCTURAL BARRIER.—The term ''infrastructural barrier'' means a highway (including a limited access highway), a railway, a viaduct, a principal arterial facility, or any other transportation facility for which the high speeds, grade separation, or other design factors create an obstacle to connectivity, including—

(A) obstacles to walking, biking, and mobility;

(B) diminished access to destinations across the infrastructural barrier; or

(C) barriers to the economic development of the surrounding neighborhood.

(5) LOW-INCOME COMMUNITY.—The term ''low-income community'' means a census block group in which not less than 30 percent of the population lives below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

(6) PLANNING AND FEASIBILITY STUDY GRANT.—The term ''planning and feasibility study grant'' means a planning and feasibility study grant under subsection (e).

(7) PROGRAM.—The term ''program'' means the program established under subsection (b).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(9) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to help communities—

(A) identify infrastructural barriers within the community that—

(i) create obstacles to mobility or economic development; or

(ii) expose the community to high levels of particulate matter, noise pollution, and other public health and safety risks;

(B) study the feasibility of improving, and develop plans to improve, community connectivity, including through—

(i) removal or retrofit of an infrastructural barrier; or

(ii) construction of facilities to mitigate the obstacle created by the infrastructural barrier by enhancing connectivity across the infrastructural barrier;

(C) plan the redevelopment of any land made available by the removal or retrofit of the infrastructural barrier, with a focus on improvements that will benefit the populations impacted by or previously displaced by the infrastructural barrier;

(D) access funding to carry out the activities described in subparagraphs (B) and (C); and

(E) require the equity of any activities carried out under the program, including by garnering community engagement, avoiding displacement, and ensuring local participation in jobs created through those activities.

(2) TYPES OF GRANTS.—Under the program, the Secretary shall award the following types of grants:

(A) Community engagement, education, and capacity building grants.

(B) Planning and feasibility study grants.

(C) Capital construction grants.

(3) MULTIPLE GRANTS PERMITTED.—An eligible entity may apply for and receive funding from more than 1 type of grant described in paragraph (2).

(c) REQUIREMENT FOR PROJECT SELECTION.—To receive a grant under the program, a project shall provide the majority of project benefits to 1 or more communities of color or low-income communities.

(d) COMMUNITY ENGAGEMENT, EDUCATION, AND CAPACITY BUILDING GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a community engagement, education, and capacity building grant to carry out community engagement, education, and capacity building activities described in paragraph (2) to—

(A) a unit of local government;

(B) a Tribal government;

(C) a metropolitan planning organization; and

(D) a nonprofit organization.

(2) ELIGIBLE ACTIVITIES.—A community engagement and capacity building activity referred to in paragraph (1) includes an activity—

(A) to educate community members about opportunities to affect transportation and economic development planning and investment decisions;

(B) to build organizational or community capacity to engage in transportation and economic development planning;

(C) to identify community needs and desires for community improvements;

(D) to develop community-driven solutions to local challenges;

(E) to conduct assessments of equity, mobility and access, environmental justice, affordability, economic opportunity, health outcomes, and other local goals;

(F) to form a Community Advisory Board in accordance with subsection (g); and

(G) to engage community members in scenario planning.

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with funds from a community engagement, education, and capacity building grant may be up to 100 percent, at the discretion of the eligible entity.

(e) PLANNING AND FEASIBILITY STUDY GRANTS.—

(1) ELIGIBLE ENTITIES.—

(A) IN GENERAL.—The Secretary may award a planning and feasibility study grant to carry out planning activities described in paragraph (2) to—

(i) a State;

(ii) a unit of local government;

(iii) a Tribal government;

(iv) a metropolitan planning organization; and

(v) a nonprofit organization.

(B) PARTNERSHIPS.—In the case of an eligible entity that is not the owner of the infrastructural barrier that is the subject of

the planning and feasibility study grant, the eligible entity shall demonstrate the existence of a partnership with the owner of the infrastructural barrier.

(2) ELIGIBLE ACTIVITIES.—A planning activity referred to in paragraph (1)(A) includes—

(A) development of designs and artistic renderings to facilitate community engagement;

(B) traffic studies, nonmotorized accessibility analyses, equity needs analyses, and collection of other relevant data;

(C) planning studies to evaluate the feasibility of removing or retrofitting an infrastructural barrier, or the construction of facilities to mitigate the obstacle created by the infrastructural barrier by enhancing connectivity across the infrastructural barrier;

(D) public engagement activities to provide opportunities for public input into a plan to remove, convert, or mitigate an infrastructural barrier;

(E) environmental review, consultation, or other action required under any Federal environmental law relating to the review or approval of a project to remove, retrofit, or mitigate an existing infrastructural barrier;

(F) establishment of a community land trust for the development and use of real estate created by the removal or capping of an infrastructural barrier; and

(G) other transportation planning activities required in advance of a project to remove, retrofit or mitigate an existing infrastructural barrier, as determined by the Secretary.

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with funds from a planning and feasibility study grant shall be not more than 80 percent.

(f) CAPITAL CONSTRUCTION GRANTS.—

(1) ELIGIBLE ENTITIES.—The Secretary may award a capital construction grant to the owner of an infrastructural barrier to carry out a project described in paragraph (3) for which all necessary feasibility studies and other planning activities have been completed.

(2) PARTNERSHIPS.—For the purpose of submitting an application for a capital construction grant, an owner of an infrastructural barrier may, if applicable, partner with—

(A) a State;

(B) a unit of local government;

(C) a Tribal government;

(D) a metropolitan planning organization; or

(E) a nonprofit organization.

(3) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—A project eligible to be carried out with a capital construction grant includes—

(i) the removal of an infrastructural barrier;

(ii) the retrofit of an infrastructural barrier in a way that enhances community connectivity and is sensitive to the context of the surrounding community, including retrofits to a highway to cap the facility or replace the facility with an at-grade arterial roadway;

(iii) the construction of facilities that improve connectivity across the infrastructural barrier;

(iv) the replacement of an infrastructural barrier with a new use or facility that has been identified by members of the community; and

(v) the construction of other transportation improvements that address the mobility needs of the community.

(B) EXCLUSION.—Funds from a capital construction grant shall not be used on a project that increases net capacity for vehicular travel.

(4) PRIORITY FOR CAPITAL CONSTRUCTION GRANTS.—In selecting eligible entities to receive a capital construction grant, the Secretary shall give priority to an eligible entity that—

(A) has entered into a community benefits agreement with representatives of the community;

(B) serves a community in which an anti-displacement policy or a community land trust is in effect;

(C) has formed a Community Advisory Board under subsection (g); or

(D) has demonstrated a plan for—

(i) employing residents in the area impacted by the activity or project through targeted hiring programs; and

(ii) contracting and subcontracting with disadvantaged business enterprises.

(5) REQUIREMENT.—In order to receive a capital construction grant, the owner of the infrastructural barrier shall demonstrate that the project is supported by the community in the immediate vicinity of the project.

(6) FEDERAL SHARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a project carried out with a capital construction grant may be not more than 80 percent.

(B) MAXIMUM FEDERAL INVOLVEMENT.—Federal assistance other than a capital construction grant may be used to satisfy the non-Federal share of the cost of a project for which the grant is awarded.

(g) COMMUNITY ADVISORY BOARD.—

(1) IN GENERAL.—To help achieve inclusive economic development benefits, an eligible entity may form a community advisory board, which shall—

(A) facilitate community engagement with respect to the activity or project proposed to be carried out; and

(B) track progress with respect to commitments of the eligible entity to inclusive employment, contracting, and economic development under the activity or project.

(2) MEMBERSHIP.—If an eligible entity forms a community advisory board under paragraph (1), the community advisory board shall be composed of representatives of—

(A) the community;

(B) owners of businesses that serve the community;

(C) labor organizations that represent workers that serve the community; and

(D) State and local government.

(h) ADMINISTRATIVE COSTS.—For each fiscal year, the Secretary may use not more than 2 percent of the amounts made available for the program for the costs of administering the program.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) assesses the impacts and benefits of highway removals on congestion, mobility, and safety in the project vicinity, and the extent to which those impacts differ from projected impacts;

(2) includes recommendations for how traffic forecasting should—

(A) consider nonmotorized travel demand; and

(B) track and be updated in response to observed travel behavior responses to changes in transportation capacity and land use; and

(3) includes recommendations for how environmental reviews for projects funded under the Federal-aid highway program should consider, identify, and quantify, during project development, any diminished access, including nonmotorized access, that will result from the project.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $2,000,000,000 for each of fiscal years 2021 through 2025.

SEC. 5442. SAFER HEALTHIER STREETS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY OF COLOR.—The term ''community of color'' means, in a State, a census block group for which the aggregate percentage of residents who identify as Black, African-American, American Indian, Alaska Native, Native Hawaiian, Asian, Pacific Islander, Hispanic, Latino, other nonwhite race, or linguistically isolated is—

(A) not less than 50 percent; or

(B) significantly higher than the State average.

(2) LOW-INCOME COMMUNITY.—The term ''low-income community'' means a census block group in which not less than 30 percent of the population lives below the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

(3) MOBILITY GRANT.—The term ''mobility grant'' means a grant provided under subsection (f)(2).

(4) PROGRAM.—The term ''program'' means the Safer Healthier Streets program established under subsection (b).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(6) TREE CANOPY GRANT.—The term ''tree canopy grant'' means a grant provided under subsection (f)(1).

(7) TRIBAL GOVERNMENT.—The term ''Tribal government'' means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(8) URBANIZED AREA.—The term ''urbanized area'' has the meaning given the term in section 101(a) of title 23, United States Code.

(b) ESTABLISHMENT.—The Secretary shall establish a discretionary grant program, to be known as the ''Safer Healthier Streets program'', to provide to eligible entities—

(1) tree canopy grants; and

(2) mobility grants.

(c) GOALS.—The goals of the program are to improve overall health outcomes, to reduce racial and ethnic health disparities, and to support local economic development, including—

(1) with respect to tree canopy grants—

(A) to improve access to green space for low-income communities and communities of color;

(B) to improve the equity of tree cover within an urbanized area;

(C) to provide traffic calming and reduce the incidence of speeding;

(D) to provide for improvements in air quality;

(E) to reduce—

(i) the extent of impervious surfaces;

(ii) polluting stormwater runoff; and

(iii) flood risks;

(F) to provide shade benefits on pedestrian walkways, bicycle lanes, and shared-use paths, and at public transportation stops; and

(G) to mitigate urban heat islands; and

(2) with respect to mobility grants—

(A) to improve access to safe and convenient walking and bicycling facilities for low-income communities and communities of color;

(B) to construct new pedestrian walkways, bicycle lanes, and shared-use paths;

(C) to maintain or improve the condition of pedestrian walkways, bicycle lanes, and shared-use paths;

(D) to create and expand networks of safe pedestrian walkways, bicycle lanes, and shared-use paths, including through connectivity improvements between existing non-motorized assets;

(E) to expand safe walking and biking access to public transportation facilities;

(F) to construct safe and convenient roadway crossings for pedestrians and bicyclists; and

(G) to improve safe and convenient pedestrian access for pedestrians and bicyclists to destinations throughout an urbanized area, including access to jobs, housing, healthcare, schools, and retail.

(d) ELIGIBLE ENTITIES.—An entity eligible to participate in the program is—

(1) a State, regional, Tribal, or local government or agency, including a transit agency, that owns or has responsibility for the public streets, pedestrian walkways, bicycle lanes, shared-use paths, or other public facility for which funding is sought;

(2) a public, private, or nonprofit corporation that owns or has responsibility for the public streets or pedestrian walkways, bicycle lanes, shared-use paths, or other public facility for which funding is sought; and

(3) a nonprofit organization working in coordination with an entity described in paragraph (1) or (2).

(e) APPLICATION.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) how the eligible entity would use the funds from the grant; and

(2) the contribution that the projects carried out with funds from the grant would make to improving the safety, health outcomes, and quality of life in low-income communities and communities of color.

(f) TYPES OF GRANTS.—

(1) TREE CANOPY GRANTS.—A tree canopy grant shall be used for 1 or more of the following activities:

(A) Conducting a comprehensive canopy assessment, which shall—

(i) assess the current tree locations and canopy, including—

(I) an inventory of the location, species, condition, and health of existing tree canopies and trees on public facilities;

(II) an identification of the locations where trees need to be replaced; and

(III) an identification of empty tree boxes or other additional locations where trees could be added;

(ii) be conducted through on-the-ground inventory and assessment, in conjunction with additional tools such as light detection and ranging (commonly known as ''LiDAR''), satellite imagery, or other internet-based tools; and

(iii) include a tree canopy needs and equity analysis, including mapping of—

(I) pedestrian walkways that experience high rates of use or that provide pedestrians with critical connections to jobs, housing, healthcare, schools, transit, or retail;

(II) public transportation stop locations;

(III) flood-prone locations where trees or other natural infrastructure could mitigate flooding;

(IV) areas of elevated air pollution;

(V) urban heat islands, where temperatures exceed those of surrounding areas;

(VI) areas where tree coverage is lower than in surrounding areas;

(VII) low-income communities; and

(VIII) communities of color.

(B) Community engagement activities to provide opportunities for public input into plans to enhance tree canopy and access to green space.

(C) Setting tree cover goals and implementing an investment plan based on the results of the assessment under subparagraph (A) to increase tree canopy and tree cover, including equitable access to shade and green space for low-income communities and communities of color by planting trees on public rights-of-way and public facilities.

(D) Purchasing of trees, site preparation, planting of trees, ongoing maintenance and monitoring of trees, and repair of storm damage to trees, with priority given to—

(i) the planting of native species, to the extent appropriate; and

(ii) projects located in a neighborhood with lower tree cover or higher maximum daytime summer temperatures compared to surrounding neighborhoods.

(E) Assessing the underground infrastructure and coordinating with local transportation and utility providers.

(F) Hiring staff to conduct any of the activities described in this paragraph.

(2) MOBILITY GRANTS.—A mobility grant shall be used for the planning, design, construction, or improvement of pedestrian walkways or bicycle lanes that are located on a public street or for the planning, design, construction, or improvement of a publicly accessible shared-use path or trail, including 1 or more of the following activities:

(A) Conducting a comprehensive mobility assessment, which shall—

(i) assess the condition of pedestrian or bicyclist networks and identify gaps;

(ii) identify hazardous locations and corridors where fatalities or serious injuries of pedestrians and bicyclists have occurred;

(iii) measure the level of access by biking and walking to essential destinations, including access to jobs, housing, healthcare, schools, public transportation, and retail; and

(iv) include an equity analysis, including—

(I) mapping of low-income communities and communities of color;

(II) identifying disparities in the level of access measured under clause (iii) in low-income communities and communities of color compared to surrounding areas; and

(III) identifying disparities in the condition and extent of pedestrian and bicyclist networks in low-income communities and communities of color compared to surrounding areas.

(B) Community engagement, education, capacity building, and programming—

(i) to provide opportunities for public input into plans to expand safe and convenient pedestrian walkways, bicycle lanes, and shared-use paths;

(ii) to identify community needs and develop community-driven mobility solutions; and

(iii) to develop and execute community programming that makes active use of a street for community building and for purposes other than driving.

(C) Construction of pedestrian walkways, bicycle lanes, and shared-use paths, including acquisition of necessary rights-of-way.

(D) Improvements to the condition of pedestrian walkways, bicycle lanes, and shared-use paths, including modifications to pedestrian walkways and traffic control devices to comply with accessibility requirements under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(E) Traffic calming, speed reduction improvements, and construction of pedestrian crosswalks and intersection improvements designed to enhance the safety and convenience of pedestrians and bicyclists.

(F) Construction or installation of enhancements to pedestrian walkways, bicycle lanes, or shared-use paths, including street lighting, benches, parklets, stormwater management features, parking, bike racks, bike share stations, and canopies or other shade devices.

(G) Sidewalk improvements to accommodate and conserve street trees.

(H) Hiring staff to conduct any of the activities described in this paragraph.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide technical assistance to eligible entities under the program for the purpose of developing the technical capacity of the eligible entity for the development of applications under the program or the administration of grant funds under the program.

(2) APPLICATION; SOLICITATION.—The Secretary shall—

(A) solicit applications from eligible entities for technical assistance under paragraph (1); and

(B) select eligible entities to receive technical assistance based on—

(i) the inexperience of the eligible entity in applying for or administering Federal grants; and

(ii) whether the eligible entity is located in or serves a low-income community or a community of color.

(h) PRIORITY.—In selecting eligible entities to receive grants under the program, the Secretary shall give priority to—

(1) an eligible entity proposing to carry out an activity or project in a community that is a low-income community or community of color;

(2) an eligible entity that—

(A) has entered into a community benefits agreement with representatives of the community;

(B) serves a community in which an anti-displacement policy is in effect; or

(C) has demonstrated a plan for—

(i) employing residents in the area impacted by the activity or project through targeted hiring programs; and

(ii) contracting and subcontracting with disadvantaged business enterprises; and

(3) an eligible entity that is partnering with a qualified youth or conservation corps (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).

(i) DISTRIBUTION REQUIREMENT.—For each fiscal year, not less than 80 percent of the amounts made available to carry out the program shall be provided for projects in urbanized areas.

(j) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project carried out under the program is 80 percent.

(2) WAIVER.—The Secretary may increase the Federal share requirement under paragraph (1) to 100 percent for projects carried out by an eligible entity that demonstrates economic hardship.

(k) ADMINISTRATION.—

(1) ADMINISTRATIVE COSTS.—For each fiscal year, the Secretary may use not more than 2 percent of the amounts made available for the program for the costs of administering the program.

(2) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may use not more than 10 percent of the amounts made available for the program to provide technical assistance under subsection (g).

(l) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) assesses the impact of transportation improvements funded in whole or in part under title 23, United States Code, on average traffic speeds, fatalities, and serious injuries in the areas in which projects are carried out under the program; and

(2) identifies the amount of funds provided under title 23, United States Code, that are used on activities eligible for assistance under the program.

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $1,000,000,000 for each of fiscal years 2021 through 2025, to remain available until expended.

CHAPTER 4—OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM

SEC. 5451. DEFINITIONS.

In this chapter:

(1) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term ''eligible entity'' means—

(i) a State or territory of the United States;

(ii) a political subdivision of a State or territory of the United States, including—

(I) a city; and

(II) a county;

(iii) a special purpose district, including park districts; and

(iv) an Indian Tribe.

(B) POLITICAL SUBDIVISIONS AND INDIAN TRIBES.—A political subdivision of a State or territory of the United States or an Indian Tribe shall be considered an eligible entity only if the political subdivision or Indian Tribe represents or otherwise serves a qualifying urban area.

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) OUTDOOR RECREATION LEGACY PARTNERSHIP PROGRAM.—The term ''Outdoor Recreation Legacy Partnership Program'' means the program established under section 5452(a).

(4) QUALIFYING URBAN AREA.—The term ''qualifying urban area'' means an area identified by the Census Bureau as an ''urban area'' in the most recent census.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5452. GRANTS AUTHORIZED.

(a) IN GENERAL.—The Secretary shall establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for projects—

(1) to acquire land and water for parks and other outdoor recreation purposes; and

(2) to develop new or renovate existing outdoor recreation facilities.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—As a condition of receiving a grant under subsection (a), an eligible entity shall provide matching funds in the form of cash or an in-kind contribution in an amount equal to not less than 100 percent of the amounts made available under the grant.

(2) SOURCES.—The matching amounts referred to in paragraph (1) may include amounts made available from State, local, nongovernmental, or private sources.

SEC. 5453. ELIGIBLE USES.

(a) IN GENERAL.—A grant recipient may use a grant awarded under this chapter—

(1) to acquire land or water that provides outdoor recreation opportunities to the public; and

(2) to develop or renovate outdoor recreational facilities that provide outdoor recreation opportunities to the public, with priority given to projects that—

(A) create or significantly enhance access to park and recreational opportunities in an urban neighborhood or community;

(B) engage and empower underserved communities and youth;

(C) provide opportunities for youth employment or job training;

(D) establish or expand public-private partnerships, with a focus on leveraging resources; and

(E) take advantage of coordination among various levels of government.

(b) LIMITATIONS ON USE.—A grant recipient may not use grant funds for—

(1) grant administration costs;

(2) incidental costs related to land acquisition, including appraisal and titling;

(3) operation and maintenance activities;

(4) facilities that support semiprofessional or professional athletics;

(5) indoor facilities such as recreation centers or facilities that support primarily nonoutdoor purposes; or

(6) acquisition of land or interests in land that restrict access to specific persons.

SEC. 5454. NATIONAL PARK SERVICE REQUIREMENTS.

In carrying out the Outdoor Recreation Legacy Partnership Program, the Secretary shall—

(1) conduct an initial screening and technical review of applications received; and

(2) evaluate and score all qualifying applications.

SEC. 5455. REPORTING.

(a) ANNUAL REPORTS.—Not later than 30 days after the last day of each report period, each State lead agency that receives a grant under this chapter shall annually submit to the Secretary performance and financial reports that—

(1) summarize project activities conducted during the report period; and

(2) provide the status of the project.

(b) FINAL REPORTS.—Not later than 90 days after the earlier of the date of expiration of a project period or the completion of a project, each State lead agency that receives a grant under this chapter shall submit to the Secretary a final report containing such information as the Secretary may require.

SEC. 5456. REVENUE SHARING.

(a) IN GENERAL.—Section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by inserting before the period at the end '', of which 20 percent for each of fiscal years 2020 through 2055 shall be used by the Secretary of the Interior to provide grants under chapter 4 of subtitle D of title V of the Economic Justice Act''.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to the Outdoor Recreation Legacy Partnership Program as a result of the amendment made by subsection (a) shall supplement and not supplant any other Federal funds made available to carry out the Outdoor Recreation Legacy Partnership Program.

Subtitle E—Labor and Wage Protections

SEC. 5501. LABOR STANDARDS.

(a) DEFINITIONS.—In this section:

(1) COVERED CONSTRUCTION OR MAINTENANCE PROJECT.—The term ''covered construction or maintenance project'' means a construction or maintenance project, including installation or removal of applicable infrastructure, that is assisted in whole or in part by funds appropriated or made available under this title or the amendments made by this title, without regard to the form or type of Federal assistance provided.

(2) COVERED PROJECT LABOR AGREEMENT.—The term ''covered project labor agreement'' means a project labor agreement that—

(A) binds all contractors and subcontractors on the construction or maintenance project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(B) allows all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise a party to a collective bargaining agreement;

(C) contains guarantees against strikes, lockouts, and other similar job disruptions;

(D) sets forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the covered project labor agreement; and

(E) provides other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health.

(3) PROJECT LABOR AGREEMENT.—The term ''project labor agreement'' means a pre-hire collective bargaining agreement with one or more labor organizations that—

(A) establishes the terms and conditions of employment for a specific construction or maintenance project; and

(B) is described in section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

(4) QUALIFIED ENTITY.—The term ''qualified entity'' means an applicant for certification under subsection (c) that the Secretary of Labor certifies as a qualified entity in accordance with such subsection.

(5) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' has the meaning given the term ''apprenticeship program'' in section 3101(b).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(b) IN GENERAL.—

(1) APPLICATION.—Notwithstanding any other provision of law, for fiscal year 2021 and each fiscal year thereafter, each entity receiving assistance under this title, or the amendments made by this title, for a covered construction or maintenance project shall—

(A) as a condition precedent to receiving any such assistance for a covered construction or maintenance project, be a qualified entity; and

(B) for the duration of the covered construction or maintenance project, comply with the labor standards under subsection (d) with respect to the covered construction or maintenance project.

(2) INCLUSION.—Notwithstanding any other provision of law, for fiscal year 2021 and each fiscal year thereafter, each entity that is awarded a permit or lease by, or that enters into an agreement with, the Federal Government under this title or the amendments made by this title shall—

(A) as a condition precedent to receiving such award or entering into such agreement, be a qualified entity; and

(B) for the duration of any covered construction or maintenance project related to the permit, lease, or agreement, comply with the labor standards under subsection (d) with respect to the covered construction or maintenance project.

(c) CERTIFICATION OF QUALIFIED ENTITIES.—

(1) IN GENERAL.—The Secretary shall establish a process to certify entities that submit an application under paragraph (2) as qualified entities with respect to covered construction or maintenance projects.

(2) APPLICATION PROCESS.—An entity seeking certification as a qualified entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including information to demonstrate compliance with the requirements under subsection (d).

(3) REQUESTS FOR ADDITIONAL INFORMATION.—

(A) IN GENERAL.—Not later than 1 year after receiving an application from an entity under paragraph (2), the Secretary may request additional information from the entity in order to determine whether the entity is

in compliance with the requirements under subsection (d).

(B) ADDITIONAL INFORMATION TIMING.—The entity shall provide such additional information within 30 days of the Secretary's request under subparagraph (A).

(4) DETERMINATION DEADLINE.—The Secretary shall make a determination regarding whether to certify an entity under this subsection as a qualified entity not later than—

(A) in a case in which the Secretary requests additional information described in paragraph (3), 1 year after the Secretary receives such additional information from the entity; or

(B) in a case that is not described in paragraph (3)(A), 1 year after the date on which the entity submits the application under paragraph (2).

(5) REMEDIES.—

(A) PRECERTIFICATION REMEDIES.—The Secretary shall consider any corrective actions taken by an entity seeking certification under this subsection to remedy an administrative merits determination, arbitral award or decision, or civil judgment identified under subsection (d)(2)(C) and shall impose, as a condition of certification, any additional remedies the Secretary determines necessary, exclusively in the Secretary's judgment, to—

(i) fully remedy any such determination, decision, or judgment; and

(ii) avoid further or repeated violations.

(B) POSTCERTIFICATION REMEDIES.—The Secretary shall have the authority to pursue and impose any remedies the Secretary determines necessary, exclusively in the Secretary's judgment, to fully remedy any violation of the requirements under subsection (d) by a qualified entity, including back wages, reinstatement, liquidated damages, treble damages, civil penalties, orders to bargain, injunctive relief, and any other appropriate remedies.

(d) LABOR STANDARDS REQUIREMENTS.—

(1) APPLICABILITY.—

(A) REQUIRED FOR CERTIFICATION.—The Secretary shall require an entity, as a condition of certification as a qualified entity under subsection (c), to satisfy each of the requirements under paragraph (2).

(B) REQUIRED DURING DURATION OF PROJECT.—A qualified entity shall satisfy the requirements under paragraph (2) for the duration of any covered construction or maintenance project.

(2) LABOR STANDARDS.—The requirements under this paragraph are the following:

(A) The entity shall ensure that all laborers and mechanics employed by contractors and subcontractors in the performance of any covered construction or maintenance project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(B) In the case of any covered construction or maintenance project, the cost of which exceeds $25,000,000, the entity shall be a party to, or require contractors and subcontractors in the performance of such covered construction or maintenance project to consent to, a covered project labor agreement.

(C) The entity, and all contractors and subcontractors in performance of any covered construction or maintenance project, shall represent in the application submitted under subsection (c)(2) (and periodically thereafter during the performance of the covered construction or maintenance project as the Secretary may require) whether there has been any administrative merits determination, arbitral award or decision, or civil judgment, as defined in guidance issued by the Secretary, rendered against the entity in the preceding 3 years (or, in the case of disclosures after the initial disclosure, during such period as the Secretary may provide) for violations of—

(i) the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(ii) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(iii) the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.);

(iv) the National Labor Relations Act (29 U.S.C. 151 et seq.);

(v) subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'');

(vi) chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act'');

(vii) Executive Order 11246, as amended (relating to equal employment opportunity);

(viii) section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793);

(ix) section 4212 of title 38, United States Code;

(x) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(xi) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(xii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(xiii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(xiv) Executive Order 13658 (79 Fed. Reg. 9851; relating to establishing a minimum wage for contractors); or

(xv) equivalent State laws, as defined in guidance issued by the Secretary.

(D) The entity, and all contractors and subcontractors in the performance of the covered construction or maintenance project, shall not require arbitration for any dispute involving an employee, as described in subparagraph (E), engaged in a service for the entity or any contractor and subcontractor, or enter into any agreement with such employee requiring arbitration of any such dispute, unless such employee is covered by a collective bargaining agreement that provides otherwise.

(E) For purposes of compliance with each Federal law and executive Order listed in clauses (i) through (xiv) of subparagraph (C) and the requirements under this section, the entity, and all contractors and subcontractors in the performance of the covered construction or maintenance project of the entity, shall consider an individual performing any service in the performance of such construction or maintenance project as an employee (and not an independent contractor) of the entity or contractor or subcontractor of the entity, respectively, unless—

(i) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of the service and in fact;

(ii) the service is performed outside the usual course of the business of the entity, contractor, or subcontractor, respectively; and

(iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in such service.

(F) The entity shall prohibit all contractors and subcontractors in the performance of any covered construction or maintenance project of the entity from hiring employees through a temporary staffing agency unless the relevant State workforce agency certifies that temporary employees are necessary to address an acute, short-term labor demand.

(G) The entity shall require all contractors, subcontractors, successors in interest of the entity, and other entities that may acquire the entity, in the performance or acquisition of any covered construction or maintenance project, to have and abide by an explicit neutrality policy on any issue involving the exercise by employees of the entity as described in subparagraph (E), and of all contractors and subcontractors in the performance of any covered construction or maintenance project of the entity, of the right to organize and bargain collectively through representatives of their own choosing.

(H) The entity shall require all contractors and subcontractors to participate in a registered apprenticeship program for each skilled craft employed on any construction or maintenance project.

(I) The entity, and all contractors and subcontractors in the performance of any covered construction or maintenance project, shall not request or otherwise consider the criminal history of an applicant for employment before extending a conditional offer to the applicant, unless—

(i) a background check is otherwise required by law;

(ii) the position is for a Federal law enforcement officer (as defined in section 115(c)(1) of title 18, United States Code) position; or

(iii) the Secretary, after consultation with the Secretary of Energy, certifies that precluding criminal history prior to the conditional offer would pose a threat to national security.

(e) DAVIS-BACON ACT.—The Secretary shall have, with respect to the labor standards described in subsection (d)(2)(A), 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.

(f) EMPLOYEE COVERAGE FOR THE PURPOSES OF PROJECTS UNDER THIS TITLE.—Notwithstanding any other provision of law, for purposes of each Federal law and executive Order listed in clauses (i) through (xiv) of subsection (d)(2)(C) and for purposes of compliance with the requirements under this title, any individual performing any service in the performance of a construction or maintenance project for an entity, or a contractor or subcontractor of such entity, shall be an employee (and not an independent contractor) of the entity, contractor, or subcontractor, respectively, with regard to the service performed in the performance of such project unless—

(1) the individual is free from control and direction in connection with the performance of the service, both under the contract for the performance of the service and in fact;

(2) the service is performed outside the usual course of the business of the entity, contractor, or subcontractor, respectively; and

(3) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in such service.

(g) PERIOD OF VALIDITY FOR CERTIFICATIONS.—A certification made under subsection (c) shall be in effect for a period of 5 years. An entity may reapply to the Secretary for an additional certification under this section in accordance with the application process under subsection (c)(2).

(h) REVOCATION OF QUALIFIED ENTITY STATUS.—The Secretary may revoke the certification of an entity under subsection (c)as a qualified entity at any time in which the Secretary reasonably determines the entity is no longer in compliance with the requirements of subsection (d).

(i) CERTIFICATION MAY COVER MORE THAN 1 SUBSTANTIALLY SIMILAR PROJECT.—The Secretary may make certifications under subsection (c) that apply with respect to more than 1 construction or maintenance project if the projects to which such certification apply are substantially similar projects which meet the requirements of this section. Such projects shall be treated as a specific construction or maintenance project for purposes of subsection (a)(2).

(j) APPLICATION OF LABOR STANDARDS TO WOOD HEATER EMISSIONS REDUCTIONS GRANT PROGRAM.—With respect to the wood heater emissions reductions grant program established under section 5531(b) and notwithstanding any other provision of this section, the requirements of this section shall apply only to work performed on multifamily buildings.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2020 and each fiscal year thereafter.

SEC. 5502. WAGE RATE.

(a) DAVIS-BACON ACT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 2021 and each fiscal year thereafter, all laborers and mechanics employed by contractors or subcontractors on projects assisted in whole or in part under this title or the amendments made by this title, without regard to the form or type of Federal assistance provided, shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(2) AUTHORITY.—With respect to the labor standards specified in paragraph (1), 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.

(b) SERVICE EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 2021 and each fiscal year thereafter, all service employees, including service employees that are routine operations workers or routine maintenance workers, who are not subject to subsection (a) and are employed by contractors or subcontractors on projects assisted in whole or in part under this title or the amendments made by this title, without regard to the form or type of Federal assistance provided, shall be paid a wage and fringe benefits that are not less than the minimum wage and fringe benefits established in accordance with chapter 67 of title 41, United States Code (commonly known as the ''Service Contract Act'').

(2) DEFINITION OF SERVICE EMPLOYEE.—In this subsection, the term ''service employee''—

(A) means an individual engaged in the performance of a project assisted in whole or in part under this title or the amendments made by this title, without regard to the form or type of Federal assistance provided, the principal purpose of which is to furnish services in the United States;

(B) includes an individual without regard to any contractual relationship alleged to exist between the individual and a contractor or subcontractor; but

(C) does not include an individual employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations.

(3) AUTHORITY.—With respect to paragraphs (1) and (2), the Secretary of Labor shall have the authority and functions set forth in chapter 67 of title 41, United States Code.

(c) APPLICATION OF LABOR STANDARDS TO WOOD HEATER EMISSIONS REDUCTIONS GRANT PROGRAM.—With respect to the wood heater emissions reductions grant program established under section 5531(b) and notwithstanding any other provision of this section, the requirements of this section shall apply only to work performed on multifamily buildings.

SEC. 5503. INFRASTRUCTURE WORKFORCE EQUITY CAPACITY BUILDING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term ''individual with a barrier to employment'' has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' has the meaning given the term ''apprenticeship program'' in section 3101(b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(4) WORKFORCE INTERMEDIARY.—The term ''workforce intermediary'' means an entity that—

(A) has an affiliate network or offices in not less than 3 communities and across not less than 2 States;

(B) has the programmatic capability to serve individuals with a barrier to employment or individuals who are traditionally underrepresented in infrastructure industries;

(C) has clearly and convincingly demonstrated the capacity to carry out activities described in subsection (d); and

(D) submits an application in accordance with subsection (c).

(b) CAPACITY BUILDING PROGRAM.—

(1) IN GENERAL.—From the funds appropriated under subsection (f), the Secretary shall award grants, contracts, or other agreements or arrangements as the Secretary determines appropriate, to workforce intermediaries for the purpose of building the capacity of entities receiving grants for construction on Federally-assisted projects under this title to implement the activities and services described in subsection (d) to more effectively serve individuals with a barrier to employment, including ex-offenders or individuals who are traditionally underrepresented in the targeted infrastructure industry served through the job training program supported under such title.

(2) AMOUNT.—The amount of a grant awarded under this section may not exceed $3,000,000.

(c) APPLICATION.—A workforce intermediary seeking an award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as required by the Secretary, including a detailed description of the following:

(1) The extent to which the workforce intermediary has experience in conducting outreach and technical assistance to employers, businesses, labor-management organizations, the public workforce system, industry groups, and other stakeholders that are interested in diversifying new or existing registered apprenticeship programs, pre-apprenticeship programs, and work-based learning programs;

(2) The extent to which the workforce intermediary has experience meeting the workforce development needs of individuals with a barrier to employment and individuals who are traditionally underrepresented in infrastructure industries;

(3) The extent to which the workforce intermediary has experience with and capability to facilitate –

(A) formal agreements between pre-apprenticeship programs, with at least one sponsor of a registered apprenticeship program;

(B) public private partnership building,

(C) supportive services; and

(D) mentoring programs .

(4) The capability of the workforce intermediary to provide the technical assistance required to increase diversity among participants in registered apprenticeship programs or pre-apprenticeship programs.

(5) The capability of the workforce intermediary to measure the impact of targeted strategies and technical assistance.

(d) USE OF FUNDS.—A qualified entity receiving a grant under this section shall use grant funds to provide technical assistance to entities receiving a grant under this title in order for such entities to carry out the following activities and services:

(1) Providing professional development activities.

(2) The provision of outreach and recruitment activities, including assessments of potential participants for such activities, and enrollment of participants.

(3) The coordination of services across providers and programs.

(4) The development of performance accountability measures.

(5) Connecting employers to—

(A) work-based learning programs;

(B) registered apprenticeship programs; or

(C) pre-apprenticeship programs with a formal agreement with one or more registered apprenticeship programs.

(6) Assisting in the design and implementation of registered apprenticeship programs and pre-apprenticeship programs, including curriculum development and delivery for related instruction.

(7) Developing and providing personalized program participant supports, including by partnering with organizations to provide access to or referrals for supportive services and financial advising.

(8) Providing services, resources, and supports for development, delivery, expansion, or improvement of work-based learning programs, registered apprenticeship programs, or pre-apprenticeship programs.

(e) REPORT.—A workforce intermediary receiving a grant under this section shall, not later than 6 months after the grant is awarded, submit to the Secretary a report that includes—

(1) the impact of the technical assistance provided under this section; and

(2) such other criteria as determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2021, to remain available through fiscal year 2024.

SEC. 5504. SEVERABILITY.

If any provision of this subtitle, any amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any other person or circumstance shall not be affected.

TITLE VI—NEW HOMEBUYERS DOWN PAYMENT TAX CREDIT

SEC. 6001. DOWN PAYMENT TAX CREDIT FOR FIRST-TIME HOMEBUYERS.

(a) IN GENERAL.—Section 36 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 36. DOWN PAYMENT TAX CREDIT FOR FIRST-TIME HOMEBUYERS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 6 percent of the purchase price of the residence.

''(b) LIMITATIONS; SPECIAL RULES BASED ON MARITAL AND FILING STATUS.—

''(1) DOLLAR LIMITATION.—The credit allowed under subsection (a) shall not exceed $15,000.

''(2) LIMITATION BASED ON PURCHASE PRICE.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph and paragraph (3), and after the application of paragraph (1)) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(A) the excess (if any) of—

''(i) the purchase price of the residence, over

''(ii) $400,000, bears to

''(B) $100,000.

''(3) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph and after the application of paragraphs (1) and (2)) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $100,000 ($200,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence for a taxable year if—

''(A) the taxpayer has not attained age 18 as of the date of such purchase, or

''(B) a deduction under section 151 with respect to the taxpayer is allowable to another taxpayer for the taxable year.

In the case of a taxpayer who is married, the taxpayer shall be treated as meeting the age requirement of subparagraph (A) if the taxpayer or the taxpayer's spouse meets such age requirement.

''(5) MULTIPLE PURCHASERS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe by taking into account the requirements of paragraphs (2) and (3), except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(6) MARRIED COUPLES MUST FILE JOINT RETURN.—If an individual is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the individual and the individual's spouse file a joint return for the taxable year.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—

''(A) IN GENERAL.—The term 'first-time homebuyer' means any individual who acquires a principal residence by purchase if such individual (and, if married, such individual's spouse)—

''(i) has not claimed any credit or deduction under this title for any previous taxable year with respect to the purchase or ownership of any residence or residential real estate (including for any expenditures relating to the placing in service of any property on, in connection with, or for use in such a residence or real estate), and

''(ii) attests under penalty of perjury that—

''(I) the individual (and, if married, the individual's spouse) has not owned a principal residence at any time prior to the purchase of the principal residence to which this section applies, and

''(II) the principal residence to which this section applies was not acquired from a person related to such individual or spouse.

''(B) WAIVER IN CASE OF CERTAIN CHANGES IN STATUS.—The Secretary may, in such manner as the Secretary may prescribe, waive the requirements of subparagraph (A) for a taxable year in the case of an individual who is not eligible to file a joint return for the taxable year, and who was married at the time the individual or the individual's former spouse purchased a previous residence.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring such property (or, if either such person is married, such individual's spouse), and

''(ii) the basis of the property in the hands of the person acquiring such property is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis (without regard to any reduction under section 1016(a)(38)) of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying subsections (b) and (c) of section 267 for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only the individual's spouse, ancestors, lineal descendants, and spouse's ancestors and lineal descendants).

''(6) MARITAL STATUS.—An individual's marital status shall be determined in accordance with section 7703.

''(d) DENIAL AND RECAPTURE RULES IN CASE OF DISPOSAL OF RESIDENCE WITHIN 5 TAXABLE YEARS.—

''(1) DENIAL OF CREDIT IN CASE OF DISPOSAL WITHIN TAXABLE YEAR.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(2) PARTIAL RECAPTURE.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), if the taxpayer disposes of the residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) during the 4-taxable-year period beginning with the taxable year immediately following the credit year, the tax imposed by this chapter for the taxable year in which such disposal (or cessation) occurs shall be increased by an amount equal to the recapture percentage of the amount of the credit so allowed.

''(B) CREDIT YEAR.—For purposes of subparagraph (A), the term 'credit year' means the taxable year in which the credit under subsection (a) was allowed.

''(C) RECAPTURE PERCENTAGE.—For purposes of subparagraph (A), the recapture percentage with respect to any disposal or cessation described in such subparagraph shall be determined in accordance with the following table:

"If the disposal or cessation occurs in:	The recapture percentage is:
the 1st taxable year beginning after the credit year	80 percent
the 2nd taxable year beginning after the credit year	60 percent
the 3rd taxable year beginning after the credit year	40 percent
the 4th taxable year beginning after the credit year	20 percent.

''(D) EXCEPTIONS.—This paragraph shall not apply in the case of a disposal or cessation described in subparagraph (A) which occurs after or incident to any of the following:

''(i) Death of the taxpayer or the taxpayer's spouse.

''(ii) Divorce of the taxpayer.

''(iii) Involuntary conversion of the residence (within the meaning of section 121(d)(5)(A)).

''(iv) Relocation of duty station or qualified official extended duty (as defined in section 121(d)(9)(C)) of the taxpayer or the taxpayer's spouse who is a member of the uniformed services (as defined in section 121(d)(9)(C)(ii)), a member of the Foreign Service of the United States (as defined in section 121(d)(9)(C)(iii)), or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)).

''(v) Change of employment of the taxpayer or the taxpayer's spouse which meets the conditions of section 217(c).

''(vi) Loss of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(e) ADJUSTMENT TO BASIS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any property, the taxpayer's basis in such property shall be reduced by the amount of the credit so allowed.

''(f) REPORTING.—

''(1) IN GENERAL.—A credit shall be allowed under this section only if the following are included on the return of tax:

''(A) The individual's (and, if married, the individual's spouse's) social security number issued by the Social Security Administration.

''(B) The street address (not including a post office box) of the principal residence purchased.

''(C) The purchase price of the principal residence.

''(D) The date of purchase of the principal residence.

''(E) The closing disclosure relating to the purchase (in the case of a purchase financed by a mortgage).

''(2) REPORTING OF REAL ESTATE TRANSACTIONS.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the

credit allowable by this section, the exception provided by section 6045(e)(5) shall not apply.

''(g) TERMINATION.—Subsection (a) shall not apply to any purchase of a principal residence after December 31, 2021.''.

(b) CONFORMING AMENDMENT RELATING TO BASIS ADJUSTMENT.—Subsection (a) of section 1016 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (37),

(2) by redesignating paragraph (38) as paragraph (39), and

(3) by inserting after paragraph (37) the following new paragraph:

''(38) to the extent provided in section 36(e).''.

(c) CONFORMING AMENDMENT.—Section 26(b)(2) of the Internal Revenue Code of 1986 is amended by striking subparagraph (W) and by redesignating subparagraphs (X) and (Y) as subparagraphs (W) and (X), respectively.

(d) CLERICAL AMENDMENT.—The item relating to section 36 in the table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

''Sec. 36. Down payment tax credit for first-time homebuyers.''.

(e) AUTHORITY TO TREAT CLAIM OF CREDIT AS ERROR, ETC.—Subparagraph (N) of section 6213(g)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(N) in the case of a return claiming the credit under section 36—

''(i) the omission of a social security number required under section 36(f)(1)(A),

''(ii) the inclusion of a social security number so required if—

''(I) the claim of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such social security number, or

''(II) except as provided in section 36(c)(1)(B), such social security number has been included (other than as a dependent for purposes of section 151) on a return for any previous taxable year claiming any credit or deduction described in section 36(c)(1)(A)(i),

''(iii) the omission of any other required information or documentation described in section 36(f)(1), including the inclusion of a post office box instead of a street address for the purchased residence,

''(iv) the inclusion of any information or documentation described in clause (iii) if such information or documentation does not support a valid claim for the credit, or

''(v) a claim of such credit for a taxable year with respect to the purchase of a residence made after the last day of such taxable year, or''.

(f) IRS RECORDKEEPING.—Notwithstanding the limitations on assessment and collection under section 6501 of the Internal Revenue Code of 1986, the Commissioner of Internal Revenue shall maintain in perpetuity records of returns and return information (as defined in section 6103(b)(2) of such Code) of any taxpayer claiming the credit under section 36 of such Code (as amended by this section) for the taxable year in which such credit is claimed and succeeding taxable years. The Commissioner may, in the Commissioner's discretion, discard such records within a reasonable amount of time after the death of such taxpayer (and, if married, the taxpayer's spouse).

(g) ADVANCEABILITY OF CREDIT.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury (or such Secretary's delegate) shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on administrative options developed by such Secretary (or delegate) for making the credit under section 36 of the Internal Revenue Code of 1986, as amended by this Act, advanceable to the taxpayer at the time of purchase of the principal residence with respect to which such credit is determined.

(2) REGULATIONS.—The Secretary of the Treasury (or such Secretary's delegate) shall promulgate regulations or other guidance implementing advanceability of the credit under such section 36 based on feedback from the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the report required by paragraph (1).

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased in taxable years beginning after December 31, 2020.

TITLE VII—RENTERS AND LOW-INCOME HOUSING TAX CREDITS

SEC. 7001. RENTERS CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 36B the following new section:

''SEC. 36C. RENTERS CREDIT.

''(a) DETERMINATION OF CREDIT AMOUNT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the sum of the amounts determined under paragraph (2) for all qualified buildings with a credit period which includes months occurring during the taxable year.

''(2) QUALIFIED BUILDING AMOUNT.—The amount determined under this paragraph with respect to any qualified building for any taxable year shall be an amount equal to the lesser of—

''(A) the aggregate qualified rental reduction amounts for all eligible units within such building for months occurring during the taxable year which are within the credit period for such building, or

''(B) the rental reduction credit amount allocated to such building for such months.

''(3) QUALIFIED BUILDING.—For purposes of this section—

''(A) IN GENERAL.—The term 'qualified building' means any building which is residential rental property (as defined in section 168(e)(2)(A)) of the taxpayer with respect to which—

''(i) a rental reduction credit amount has been allocated by a rental reduction credit agency of a State, and

''(ii) a qualified rental reduction agreement is in effect.

''(B) BUILDING NOT DISQUALIFIED BY OTHER ASSISTANCE.—A building shall not fail to be treated as a qualified building merely because—

''(i) a credit was allowed under section 42 with respect to such building or there was any other Federal assistance in the construction or rehabilitation of such building, or

''(ii) Federal rental assistance was provided for such building during any period preceding the credit period.

''(b) QUALIFIED RENTAL REDUCTION AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rental reduction amount' means, with respect to any eligible unit for any month, an amount equal to the applicable percentage (as determined under subsection (e)(1)) of the excess of—

''(A) the applicable rent for such unit, over

''(B) the family rental payment required for such unit.

''(2) APPLICABLE RENT.—

''(A) IN GENERAL.—The term 'applicable rent' means, with respect to any eligible unit for any month, the lesser of—

''(i) the amount of rent which would be charged for a substantially similar unit with the same number of bedrooms in the same building which is not an eligible unit, or

''(ii) an amount equal to the market rent standard for such unit.

''(B) MARKET RENT STANDARD.—

''(i) IN GENERAL.—The market rent standard with respect to any eligible unit is—

''(I) the small area fair market rent determined by the Secretary of Housing and Urban Development for units with the same number of bedrooms in the same zip code tabulation area, or

''(II) if there is no rent described in subclause (I) for such area, the fair market rent determined by such Secretary for units with the same number of bedrooms in the same county.

''(ii) STATE OPTION.—A State may in its rental reduction allocation plan provide that the market rent standard for all (or any part) of a zip code tabulation area or county within the State shall be equal to a percentage (not less than 75 nor more than 125) of the amount determined under clause (i) (after application of clause (iii)) for such area or county.

''(iii) MINIMUM AMOUNT.—Notwithstanding clause (i), the market rent standard with respect to any eligible unit for any year in the credit period after the first year in the credit period for such unit shall not be less than the market rent standard determined for such first year.

''(3) FAMILY RENTAL PAYMENT REQUIREMENTS.—

''(A) IN GENERAL.—Each qualified rental reduction agreement with respect to any qualified building shall require that the family rental payment for an eligible unit within such building for any month shall be equal to the lesser of—

''(i) 30 percent of the monthly family income of the residents of the unit (as determined under subsection (e)(5)), or

''(ii) the applicable rent for such unit.

''(B) UTILITY COSTS.—Any utility allowance (determined by the Secretary in the same manner as under section 42(g)(2)(B)(ii)) paid by residents of an eligible unit shall be taken into account as rent in determining the family rental payment for such unit for purposes of this paragraph.

''(c) RENTAL REDUCTION CREDIT AMOUNT.—For purposes of this section—

''(1) DETERMINATION OF AMOUNT.—

''(A) IN GENERAL.—The term 'rental reduction credit amount' means, with respect to any qualified building, the dollar amount which is allocated to such building (and to eligible units within such building) under this subsection. Such dollar amount shall be allocated to months in the credit period with respect to such building (and such units) on the basis of the estimates described in paragraph (2)(B).

''(B) ALLOCATION ON PROJECT BASIS.—In the case of a project which includes (or will include) more than 1 building, the rental reduction credit amount shall be the dollar amount which is allocated to such project for all buildings included in such project. Subject to the limitation under subsection (e)(3)(B), such amount shall be allocated among such buildings in the manner specified by the taxpayer unless the qualified rental reduction agreement with respect to such project provides for such allocation.

''(2) STATE ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), each rental reduction credit agency of a State shall each calendar year allocate its portion of the State rental reduction credit ceiling to qualified buildings (and to eligible units within each such building) in accordance with the State rental reduction allocation plan.

''(B) ALLOCATIONS TO EACH BUILDING.—The rental reduction credit amount allocated to

any qualified building shall not exceed the aggregate qualified rental reduction amounts which such agency estimates will occur over the credit period for eligible units within such building, based on reasonable estimates of rents, family incomes, and vacancies in accordance with procedures established by the State as part of its State rental reduction allocation plan.

''(C) SPECIFIC ALLOCATIONS.—

''(i) NONPROFIT ORGANIZATIONS.—At least 25 percent of the State rental reduction credit ceiling for any State for any calendar year shall be allocated to qualified buildings in which a qualified nonprofit organization (as defined in section 42(h)(5)(C)) owns (directly or through a partnership) an interest and materially participates (within the meaning of section 469(h)) in the operation of the building throughout the credit period. A State may waive or lower the requirement under this clause for any calendar year if it determines that meeting such requirement is not feasible.

''(ii) RURAL AREAS.—

''(I) IN GENERAL.—The State rental reduction credit ceiling for any State for any calendar year shall be allocated to buildings in rural areas (as defined in section 520 of the Housing Act of 1949) in an amount which, as determined by the Secretary of Housing and Urban Development, bears the same ratio to such ceiling as the number of extremely low-income households with severe rent burdens in such rural areas bears to the total number of such households in the State.

''(II) ALTERNATIVE 5-YEAR TESTING PERIOD.—In the case of the 5-calendar year period beginning in 2021, a State shall not be treated as failing to meet the requirements of subclause (I) for any calendar year in such period if, as determined by the Secretary, the average annual amount allocated to such rural areas during such period meets such requirements.

''(3) APPLICATION OF ALLOCATED CREDIT AMOUNT.—

''(A) AMOUNT AVAILABLE TO TAXPAYER FOR ALL MONTHS IN CREDIT PERIOD.—Any rental reduction credit amount allocated to any qualified building out of the State rental reduction credit ceiling for any calendar year shall apply to such building for all months in the credit period ending during or after such calendar year.

''(B) CEILING FOR ALLOCATION YEAR REDUCED BY ENTIRE CREDIT AMOUNT.—Any rental reduction credit amount allocated to any qualified building out of an allocating agency's State rental reduction credit ceiling for any calendar year shall reduce such ceiling for such calendar year by the entire amount so allocated for all months in the credit period (as determined on the basis of the estimates under paragraph (2)(B)) and no reduction shall be made in such agency's State rental reduction credit ceiling for any subsequent calendar year by reason of such allocation.

''(4) STATE RENTAL REDUCTION CREDIT CEILING.—

''(A) IN GENERAL.—The State rental reduction credit ceiling applicable to any State for any calendar year shall be an amount equal to the sum of—

''(i) the greater of—

''(I) the per capita dollar amount multiplied by the State population, or

''(II) the minimum ceiling amount, plus

''(ii) the amount of the State rental reduction credit ceiling returned in the calendar year.

''(B) RETURN OF STATE CEILING AMOUNTS.—For purposes of subparagraph (A)(ii), except as provided in subsection (d)(2), the amount of the State rental reduction credit ceiling returned in a calendar year equals the amount of the rental reduction credit amount allocated to any building which, after the close of the calendar year for which the allocation is made—

''(i) is canceled by mutual consent of the rental reduction credit agency and the taxpayer because the estimates made under paragraph (2)(B) were substantially incorrect, or

''(ii) is canceled by the rental reduction credit agency because the taxpayer violates the qualified rental reduction agreement and, under the terms of the agreement, the rental reduction credit agency is authorized to cancel all (or any portion) of the allocation by reason of the violation.

''(C) PER CAPITA DOLLAR AMOUNT; MINIMUM CEILING AMOUNT.—For purposes of this paragraph—

''(i) PER CAPITA DOLLAR AMOUNT.—The per capita dollar amount is—

''(I) for each of calendar years 2021, 2022, 2023, 2024, and 2025, $14.35, and

''(II) for any calendar year after 2025, zero.

''(ii) MINIMUM CEILING AMOUNT.—The minimum ceiling amount is—

''(I) for each of calendar years 2021, 2022, 2023, 2024, and 2025, $25,000,000, and

''(II) for any calendar year after 2025, zero.

''(D) POPULATION.—For purposes of this paragraph, population shall be determined in accordance with section 146(j).

''(E) UNUSED RENTAL REDUCTION CREDIT ALLOCATED AMONG CERTAIN STATES.—

''(i) IN GENERAL.—The unused rental reduction credit of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

''(ii) UNUSED RENTAL REDUCTION CREDIT.—For purposes of this subparagraph, the unused rental reduction credit of a State for any calendar year is the excess (if any) of—

''(I) the State rental reduction credit ceiling for the year preceding such year, over

''(II) the aggregate rental reduction credit amounts allocated for such year.

''(iii) FORMULA FOR ALLOCATION OF UNUSED CREDIT AMONG QUALIFIED STATES.—The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused rental reduction credits of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

''(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term 'qualified State' means, with respect to a calendar year, any State—

''(I) which allocated its entire State rental reduction credit ceiling for the preceding calendar year, and

''(II) for which a request is made (at such time and in such manner as the Secretary may prescribe) to receive an allocation under clause (iii).

''(5) OTHER DEFINITIONS.—For purposes of this section—

''(A) RENTAL REDUCTION CREDIT AGENCY.—The term 'rental reduction credit agency' means any agency authorized by a State to carry out this section. Such authorization shall include the jurisdictions within the State where the agency may allocate rental reduction credit amounts.

''(B) POSSESSIONS TREATED AS STATES.—The term 'State' includes a possession of the United States.

''(C) FAMILY.—The term 'family' has the same meaning as when used in the United States Housing Act of 1937.

''(d) MODIFICATIONS TO CORRECT INACCURATE AMOUNTS DUE TO INCORRECT ESTIMATES.—

''(1) ESTABLISHMENT OF RESERVES.—

''(A) IN GENERAL.—Each rental reduction credit agency of a State shall establish a reserve for the transfer and reallocation of amounts pursuant to this paragraph, and notwithstanding any other provision of this section, the rental reduction credit amount allocated to any building by such agency shall be zero unless such agency has in effect such a reserve at the time of the allocation of such credit amount.

''(B) TRANSFERS TO RESERVE.—

''(i) IN GENERAL.—If, for any taxable year, a taxpayer would (but for this subparagraph) not be able to use the entire rental reduction credit amount allocated to a qualified building by a rental reduction credit agency of a State for the taxable year because of a rental reduction shortfall, then the taxpayer shall for the taxable year transfer to the reserve established by such agency under subparagraph (A) an amount equal to such rental reduction shortfall.

''(ii) RENTAL REDUCTION SHORTFALL.—For purposes of this subparagraph, the rental reduction shortfall for any qualified building for any taxable year is the amount by which the aggregate amount of the excesses determined under subsection (b)(1) for all eligible units within such building are less than such aggregate amount estimated under subsection (c)(2)(B) for the taxable year.

''(iii) TREATMENT OF TRANSFERRED AMOUNT.—For purposes of subsection (a)(2)(A), the aggregate qualified rental reduction amounts for all eligible units within a qualified building with respect to which clause (i) applies for any taxable year shall be increased by an amount equal to the applicable percentage (determined under subsection (e)(1) for the building) of the amount of the transfer to the reserve under clause (i) with respect to such building for such taxable year.

''(C) REALLOCATION OF AMOUNTS TRANSFERRED.—

''(i) IN GENERAL.—If, for any taxable year—

''(I) the aggregate qualified rental reduction amounts for all eligible units within a qualified building for the taxable year exceed

''(II) the rental reduction credit amount allocated to such building by a rental reduction credit agency of a State for the taxable year (determined after any increase under paragraph (2)),

the rental reduction credit agency shall, upon application of the taxpayer, pay to the taxpayer from the reserve established by such agency under subparagraph (A) the amount which, when multiplied by the applicable percentage (determined under subsection (e)(1) for the building), equals such excess. If the amount in the reserve is less than the amounts requested by all taxpayers for taxable years ending within the same calendar year, the agency shall ratably reduce the amount of each payment otherwise required to be made.

''(ii) EXCESS RESERVE AMOUNTS.—If a rental reduction credit agency of a State determines that the balance in its reserve is in excess of the amounts reasonably needed over the following 5 calendar years to make payments under clause (i), the agency may withdraw such excess but only to—

''(I) reduce the rental payments of eligible tenants in a qualified building in units other than eligible units, or of eligible tenants in units in a building other than a qualified building, to amounts no higher than the sum of rental payments required for eligible tenants in qualified buildings under subsection (b)(3) and any rental charges to such tenants in excess of the market rent standard; or

''(II) address maintenance and repair needs in qualified buildings that cannot reasonably be met using other resources available to the owners of such buildings.

''(D) ADMINISTRATION.—Each rental reduction credit agency of a State shall establish procedures for the timing and manner of transfers and payments made under this paragraph.

''(E) SPECIAL RULE FOR PROJECTS.—In the case of a rental reduction credit allocated to a project consisting of more than 1 qualified building, a taxpayer may elect to have this paragraph apply as if all such buildings were 1 qualified building if the applicable percentage for each such building is the same.

''(F) ALTERNATIVE METHODS OF TRANSFER AND REALLOCATION.—Upon request to, and approval by, the Secretary, a State may establish an alternative method for the transfer and reallocation of amounts otherwise required to be transferred to, and allocated from, a reserve under this paragraph. Any State adopting an alternative method under this subparagraph shall, at such time and in such manner as the Secretary prescribes, provide to the Secretary and the Secretary of Housing and Urban Development detailed reports on the operation of such method, including providing such information as such Secretaries may require.

''(2) ALLOCATION OF RETURNED STATE CEILING AMOUNTS.—In the case of any rental reduction credit amount allocated to a qualified building which is canceled as provided in subsection (c)(4)((B)(i), the rental reduction credit agency may, in lieu of treating such allocation as a returned credit amount under subsection (c)(4)(A)(ii), elect to allocate, upon the request of the taxpayer, such amount to any other qualified building for which the credit amount allocated in any preceding calendar year was too small because the estimates made under subsection (c)(2)(B) were substantially incorrect.

''(3) RENTING TO NONELIGIBLE TENANTS.—If, after the application of paragraphs (1)(C) (or any similar reallocation under paragraph (1)(F)) and (2), a rental reduction credit agency of a State determines that, because of the incorrect estimates under subsection (c)(2)(B), the aggregate qualified rental reduction amounts for all eligible units within a qualified building will (on an ongoing basis) exceed the rental reduction credit amount allocated to such building, a taxpayer may elect, subject to subsection (g)(2) and only to the extent necessary to eliminate such excess, rent vacant eligible units without regard to the requirements that such units be rented only to eligible tenants and at the rental rate determined under subsection (b)(3).

''(e) TERMS RELATING TO RENTAL REDUCTION CREDIT AND REQUIREMENTS.—For purposes of this section—

''(1) APPLICABLE PERCENTAGE.—

''(A) IN GENERAL.—The term 'applicable percentage' means, with respect to any qualified building, the percentage (not greater than 110 percent) set by the rental reduction credit agency at the time it allocates the rental reduction dollar amount to such building.

''(B) HIGHER PERCENTAGE FOR HIGH-OPPORTUNITY AREAS.—The rental reduction credit agency may set a percentage under subparagraph (A) up to 120 percent for any qualified building which—

''(i) targets its eligible units for rental to families with children, and

''(ii) is located in a neighborhood which has a poverty rate of no more than 10 percent.

''(2) CREDIT PERIOD.—

''(A) IN GENERAL.—The term 'credit period' means, with respect to any qualified building, the 15-year period beginning with the first month for which the qualified rental reduction agreement is in effect with respect to such building.

''(B) STATE OPTION TO REDUCE PERIOD.—A rental reduction credit agency may provide a credit period for any qualified building which is less than 15 years.

''(3) ELIGIBLE UNIT.—

''(A) IN GENERAL.—The term 'eligible unit' means, with respect to any qualified building, a unit—

''(i) which is occupied by an eligible tenant,

''(ii) the rent of which for any month equals 30 percent of the monthly family income of the residents of such unit (as determined under paragraph (5)),

''(iii) with respect to which the tenant is not concurrently receiving rental assistance under any other Federal program, and

''(iv) which is certified to the rental reduction credit agency as an eligible unit for purposes of this section and the qualified rental reduction agreement.

Notwithstanding clause (iii), a State may provide in its State rental reduction allocation plan that an eligible unit shall also not include a unit with respect to which any resident is receiving rental assistance under a State or local program.

''(B) LIMITATION ON NUMBER OF UNITS.—

''(i) IN GENERAL.—The number of units which may be certified as eligible units with respect to any qualified building under subparagraph (A)(iv) at any time shall not exceed the greater of—

''(I) 40 percent of the total units in such building, or

''(II) 25 units.

In the case of an allocation to a project under subsection (c)(1)(B), the limitation under the preceding sentence shall be applied on a project basis and the certification of such eligible units shall be allocated to each building in the project, except that if buildings in such project are on non-contiguous tracts of land, buildings on each such tract shall be treated as a separate project for purposes of applying this sentence.

''(ii) BUILDINGS RECEIVING PREVIOUS FEDERAL RENTAL ASSISTANCE.—If, at any time prior to the entering into of a qualified rental reduction agreement with respect to a qualified building, tenants in units within such building had been receiving project-based rental assistance under any other Federal program, then, notwithstanding clause (i), the maximum number of units which may be certified as eligible units with respect to the building under subparagraph (A)(iv) shall not be less than the sum of—

''(I) the maximum number of units in the building previously receiving such assistance at any time before the agreement takes effect, plus

''(II) the amount determined under clause (i) without taking into account the units described in subclause (I).

''(4) ELIGIBLE TENANT.—

''(A) IN GENERAL.—The term 'eligible tenant' means any individual if the individual's family income does not exceed the greater of—

''(i) 30 percent of the area median gross income (as determined under section 42(g)(1)), or

''(ii) the applicable poverty line for a family of the size involved.

''(B) TREATMENT OF INDIVIDUALS WHOSE INCOMES RISE ABOVE LIMIT.—

''(i) IN GENERAL.—Notwithstanding an increase in the family income of residents of a unit above the income limitation applicable under subparagraph (A), such residents shall continue to be treated as eligible tenants if the family income of such residents initially met such income limitation and such unit continues to be certified as an eligible unit under this section.

''(ii) NO RENTAL REDUCTION FOR AT LEAST 2 YEARS.—A qualified rental reduction agreement with respect to a qualified building shall provide that if, by reason of an increase in family income described in clause (i), there is no qualified rental reduction amount with respect to the dwelling unit for 2 consecutive years, the taxpayer shall rent the next available unit to an eligible tenant (without regard to whether such unit is an eligible unit under this section).

''(C) APPLICABLE POVERTY LINE.—The term 'applicable poverty line' means the most recently published poverty line (within the meaning of section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5))) as of the time of the determination as to whether an individual is an eligible tenant.

''(5) FAMILY INCOME.—

''(A) IN GENERAL.—Family income shall be determined in the same manner as under section 8 of the United States Housing Act of 1937.

''(B) TIME FOR DETERMINING INCOME.—

''(i) IN GENERAL.—Except as provided in this subparagraph, family income shall be determined at least annually on the basis of income for the preceding calendar year.

''(ii) FAMILIES ON FIXED INCOME.—If at least 90 percent of the family income of the residents of a unit at the time of any determination under clause (i) is derived from payments under title II or XVI of the Social Security Act (or any similar fixed income amounts specified by the Secretary), the taxpayer may elect to treat such payments (or amounts) as the family income of such residents for the year of the determination and the 2 succeeding years, except that the taxpayer shall, in such manner as the Secretary may prescribe, adjust such amount for increases in the cost of living.

''(iii) INITIAL INCOME.—The Secretary may allow a State to provide that the family income of residents at the time such residents first rent a unit in a qualified building may be determined on the basis of current or anticipated income.

''(iv) SPECIAL RULES WHERE FAMILY INCOME IS REDUCED.— If residents of a unit establish (in such manner as the rental reduction credit agency provides) that their family income has been reduced by at least 10 percent below such income for the determination year—

''(I) such residents may elect, at such time and in such manner as such agency may prescribe, to have their family income redetermined, and

''(II) clause (ii) shall not apply to any of the 2 succeeding years described in such clause which are specified in the election.

''(f) STATE RENTAL REDUCTION ALLOCATION PLAN.—

''(1) ADOPTION OF PLAN REQUIRED.—

''(A) IN GENERAL.—For purposes of this section—

''(i) each State shall, before the allocation of its State rental reduction credit ceiling, establish and have in effect a State rental reduction allocation plan, and

''(ii) notwithstanding any other provision of this section, the rental reduction credit amount allocated to any building shall be zero unless such amount was allocated pursuant to a State rental reduction allocation plan.

Such plan shall only be adopted after such plan is made public and at least 60 days has been allowed for public comment.

''(B) STATE RENTAL REDUCTION ALLOCATION PLAN.—For purposes of this section, the term 'State rental reduction allocation plan' means, with respect to any State, any plan of the State meeting the requirements of paragraphs (2) and (3).

''(2) GENERAL PLAN REQUIREMENTS.—A plan shall meet the requirements of this paragraph only if—

''(A) the plan sets forth the criteria and priorities which a rental reduction credit

agency of the State shall use in allocating the State rental reduction credit ceiling to eligible units within a building,

''(B) the plan provides that no credit allocation shall be made which is not in accordance with the criteria and priorities set forth under subparagraph (A) unless such agency provides a written explanation to the general public for any credit allocation which is not so made and the reasons why such allocation is necessary, and

''(C) the plan provides that such agency is required to prioritize the renewal of existing credit allocations at the time of the expiration of the qualified rental reduction agreement with respect to the allocation, including, where appropriate, a commitment within a qualified rental reduction agreement that the credit allocation will be renewed if the terms of the agreement have been met and sufficient new credit authority is available.

''(3) SPECIFIC REQUIREMENTS.—A plan shall meet the requirements of this paragraph only if—

''(A) the plan provides methods for determining—

''(i) the amount of rent which would be charged for a substantially similar unit in the same building which is not an eligible unit for purposes of subsection (b)(2)(A)(i), including whether such determination may be made by self-certification or by undertaking rent reasonableness assessments similar to assessments required under section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)),

''(ii) the qualified rental reduction amounts under subsection (c)(2)(B), and

''(iii) the applicable percentage under subsection (e)(1),

''(B) the plan provides a procedure that the rental reduction credit agency (or an agent or other private contractor of such agency) will follow in monitoring for—

''(i) noncompliance with the provisions of this section and the qualified rental reduction agreement and in notifying the Internal Revenue Service of any such noncompliance of which such agency becomes aware, and

''(ii) noncompliance with habitability standards through regular site visits,

''(C) the plan requires a person receiving a credit allocation to report to the rental reduction credit agency such information as is necessary to ensure compliance with the provisions of this section and the qualified rental reduction agreement, and

''(D) the plan provides methods by which any excess reserve amounts which become available under subsection (d)(1)(C)(ii) will be used to reduce rental payments of eligible tenants or to address maintenance and repair needs in qualified buildings, including how such assistance will be allocated among eligible tenants and qualified buildings.

''(g) QUALIFIED RENTAL REDUCTION AGREEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rental reduction agreement' means, with respect to any building which is residential rental property (as defined in section 168(e)(2)(A)), a written, binding agreement between a rental reduction credit agency and the taxpayer which specifies—

''(A) the number of eligible units within such building for which a rental reduction credit amount is being allocated,

''(B) the credit period for such building,

''(C) the rental reduction credit amount allocated to such building (and dwelling units within such building) and the portion of such amount allocated to each month within the credit period under subsection (c)(2)(B),

''(D) the applicable percentage to be used in computing the qualified rental reduction amounts with respect to the building,

''(E) the method for determining the amount of rent which may be charged for eligible units within the building, and

''(F) whether—

''(i) the agency commits to entering into a new agreement with the taxpayer if the terms of the agreement have been met and sufficient new credit authority is available for such new agreement, and

''(ii) the taxpayer is required to accept such new agreement.

''(2) TENANT PROTECTIONS.—A qualified rental reduction agreement shall provide the following:

''(A) NON-DISPLACEMENT OF NON-ELIGIBLE TENANTS.—A taxpayer receiving a rental reduction credit amount may not refuse to renew the lease of or evict (other than for good cause) a tenant of a unit who is not an eligible tenant at any time during the credit period and such unit shall not be treated as an eligible unit while such tenant resides there.

''(B) ONLY GOOD CAUSE EVICTIONS OF ELIGIBLE TENANTS.—A taxpayer receiving a rental reduction credit amount may not refuse to renew the lease of or evict (other than for good cause) an eligible tenant of an eligible unit.

''(C) MOBILITY.—A taxpayer receiving a rental reduction credit amount shall—

''(i) give priority to rent any available unit of suitable size to tenants who are eligible tenants who are moving from another qualified building where such tenants had lived at least 1 year and were in good standing, and

''(ii) inform eligible tenants within the building of their right to move after 1 year and provide a list maintained by the State of qualified buildings where such tenants might move.

''(iii) FAIR HOUSING AND CIVIL RIGHTS.—If a taxpayer receives a rental reduction credit amount—

''(I) such taxpayer shall comply with the Fair Housing Act with respect to the building, and

''(II) the receipt of such amount shall be treated as the receipt of Federal financial assistance for purposes of applying any Federal civil rights laws.

''(iv) ADMISSIONS PREFERENCES.—A taxpayer receiving a rental reduction credit amount shall comply with any admissions preferences established by the State for tenants within particular demographic groups eligible for health or social services.

''(3) COMPLIANCE REQUIREMENTS.—A qualified rental reduction agreement shall provide that a taxpayer receiving a rental reduction credit amount shall comply with all reporting and other procedures established by the State to ensure compliance with this section and such agreement.

''(4) PROJECTS.—In the case of a rental reduction credit allocated to a project consisting of more than 1 building, the rental reduction credit agency may provide for a single qualified rental reduction agreement which applies to all buildings which are part of such project.

''(h) CERTIFICATIONS AND OTHER REPORTS TO SECRETARY.—

''(1) CERTIFICATION WITH RESPECT TO 1ST YEAR OF CREDIT PERIOD.—Following the close of the 1st taxable year in the credit period with respect to any qualified building, the taxpayer shall certify to the Secretary (at such time and in such form and in such manner as the Secretary prescribes)—

''(A) the information described in subsection (g)(1) required to be contained in the qualified rental reduction agreement with respect to the building, and

''(B) such other information as the Secretary may require.

In the case of a failure to make the certification required by the preceding sentence on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, no credit shall be allowable by reason of subsection (a) with respect to such building for any taxable year ending before such certification is made.

''(2) ANNUAL REPORTS TO THE SECRETARY.—The Secretary may require taxpayers to submit an information return (at such time and in such form and manner as the Secretary prescribes) for each taxable year setting forth—

''(A) the information described in paragraph (1)(A) for the taxable year, and

''(B) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the return required by the Secretary under the preceding sentence on the date prescribed therefor.

''(3) ANNUAL REPORTS FROM RENTAL REDUCTION CREDIT AGENCY.—

''(A) REPORTS.—Each rental reduction credit agency which allocates any rental reduction credit amount to 1 or more buildings for any calendar year shall submit to the Secretary (at such time and in such manner as the Secretary shall prescribe) an annual report specifying—

''(i) the amount of rental reduction credit amounts allocated to each such building for such year,

''(ii) sufficient information to identify each such building and the taxpayer with respect thereto,

''(iii) information as to the demographic and income characteristics of eligible tenants of all such buildings to which such amounts were allocated, and

''(iv) such other information as the Secretary may require.

''(B) PENALTY.—The penalty under section 6652(j) shall apply to any failure to submit the report required by subparagraph (A) on the date prescribed therefor.

''(C) INFORMATION MADE PUBLIC.—The Secretary shall, in consultation with Secretary of Housing and Urban Development, make information reported under this paragraph for each qualified building available to the public annually to the greatest degree possible without disclosing personal information about individual tenants.

''(i) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations or guidance as may be necessary to carry out the purposes of this section, including—

''(1) providing necessary forms and instructions, and

''(2) providing for proper treatment of projects for which a credit is allowed both under this section and section 42.''.

(b) ADMINISTRATIVE FEES.— No provision of, or amendment made by, this section shall be construed to prevent a rental reduction credit agency of a State from imposing fees to cover its costs or from levying any such fee on a taxpayer applying for or receiving a rental reduction credit amount.

(c) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4) of such Code is amended by inserting ''36C,'' after ''36B,''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 36B the following new item:

''Sec. 36C. Renters credit.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 7002. MINIMUM CREDIT RATE.

(a) IN GENERAL.—Subsection (b) of section 42 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) MINIMUM CREDIT RATE.—In the case of any new or existing building to which paragraph (2) does not apply, the applicable percentage shall not be less than 4 percent.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings which receive allocations of housing credit dollar amount or, in the case of projects financed by tax-exempt bonds as described in section 42(h)(4) of the Internal Revenue Code of 1986, which are placed in service by the taxpayer after January 20, 2020.

TITLE VIII—EXPANDING MEDICAID COVERAGE

SEC. 8001. INCREASED FMAP FOR MEDICAL ASSISTANCE TO NEWLY ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (y)(1)—

(A) in subparagraph (A), by striking ''2014, 2015, and 2016'' and inserting ''each of the first 3 consecutive 12-month periods in which the State provides medical assistance to newly eligible individuals'';

(B) in subparagraph (B), by striking ''2017'' and inserting ''the fourth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals'';

(C) in subparagraph (C), by striking ''2018'' and inserting ''the fifth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals'';

(D) in subparagraph (D), by striking ''2019'' and inserting ''the sixth consecutive 12-month period in which the State provides medical assistance to newly eligible individuals''; and

(E) in subparagraph (E), by striking ''2020 and each year thereafter'' and inserting ''the seventh consecutive 12-month period in which the State provides medical assistance to newly eligible individuals and each such period thereafter''; and

(2) in subsection (z)(2)(B)(i)(II), by inserting ''(as in effect on the day before the date of enactment of the Economic Justice Act)'' after ''subsection (y)(1)''.

(b) RETROACTIVE APPLICATION.—The amendments made by subsection (a)(1) shall take effect as if included in the enactment of Public Law 111–148 and shall apply to amounts expended by any State for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i) of the Social Security Act under a State Medicaid plan (or a waiver of such plan) during the period before the date of enactment of this Act.

TITLE IX—ADDRESSING MATERNAL MORTALITY AND HEALTH

SEC. 9001. EXPANDING MEDICAID COVERAGE FOR PREGNANT INDIVIDUALS.

(a) EXTENDING CONTINUOUS MEDICAID AND CHIP COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) MEDICAID.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) in section 1902(e)(6), by striking ''60-day period'' and inserting ''365-day period'';

(B) in section 1902(l)(1)(A), by striking ''60-day period'' and inserting ''365-day period'';

(C) in section 1903(v)(4)(A)(i), by striking ''60-day period'' and inserting ''365-day period''; and

(D) in section 1905(a), in the 4th sentence in the matter following paragraph (30), by striking ''60-day period'' and inserting ''365-day period''.

(2) CHIP.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended by striking ''60-day period'' each place it appears and inserting ''365-day period''.

(b) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) MEDICAID.—

(A) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (24 U.S.C. 1396a(e)) is amended to read as follows:

''(5) Any woman who is eligible for medical assistance under the State plan or a waiver of such plan, including an individual eligible for a pregnancy-related benefit or whose eligibility under such plan or waiver is limited to a particular illness or disorder or type of services provided, and who is, or who while so eligible becomes, pregnant, shall continue to be eligible under the plan or waiver for medical assistance through the end of the month in which the 365-day period (beginning on the last day of her pregnancy) ends, regardless of the basis for the woman's eligibility for medical assistance, including if the woman's eligibility for medical assistance is on the basis of being pregnant, is for a pregnancy-related benefit, or is limited to a particular illness or disorder or type of services provided.''.

(B) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G) by striking ''(VII) the medical assistance'' and all that follows through ''complicate pregnancy,''.

(2) CHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (H) through (S) as subparagraphs (I) through (T), respectively; and

(B) by inserting after subparagraph (G), the following:

''(H) Section 1902(e)(5) (requiring 365-day continuous coverage for pregnant and postpartum women).''.

(c) REQUIRING COVERAGE OF ORAL HEALTH SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (a)(4)—

(i) by striking ''; and (D)'' and inserting ''; (D)''; and

(ii) by inserting ''; and (E) oral health services for pregnant and postpartum women (as defined in subsection (gg))'' after ''subsection (bb))''; and

(B) by adding at the end the following new subsection:

''(gg) ORAL HEALTH SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

''(1) IN GENERAL.—For purposes of this title, the term 'oral health services for pregnant and postpartum women' means dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions that are furnished to a woman during pregnancy (or during the 365-day period beginning on the last day of the pregnancy).

''(2) COVERAGE REQUIREMENTS.—To satisfy the requirement to provide oral health services for pregnant and postpartum women, a State shall, at a minimum, provide coverage for preventive, diagnostic, periodontal, and restorative care consistent with recommendations for perinatal oral health care and dental care during pregnancy from the American Academy of Pediatric Dentistry and the American College of Obstetricians and Gynecologists.''.

(2) CHIP.—Section 2103(c)(6)(A) of the Social Security Act (42 U.S.C. 1397cc(c)(6)(A)) is amended by inserting ''or a targeted low-income pregnant woman'' after ''targeted low-income child''.

(d) MAINTENANCE OF EFFORT.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (74), by striking ''subsection (gg); and'' and inserting ''subsections (gg) and (tt);''; and

(B) by adding at the end the following new subsection:

''(tt) MAINTENANCE OF EFFORT RELATED TO LOW-INCOME PREGNANT WOMEN.—For calendar quarters beginning on or after January 1, 2021, and before January 1, 2024, the Federal medical assistance percentage otherwise determined under section 1905(b) for a State for the quarter shall be reduced by 0.5 percentage points if the State—

''(1) has in effect under such plan eligibility standards, methodologies, or procedures (including any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment) for individuals described in subsection (l)(1) who are eligible for medical assistance under the State plan or waiver under subsection (a)(10)(A)(ii)(IX) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, for such individuals under such plan or waiver that are in effect on the date of the enactment of this subsection; or

''(2) provides medical assistance to individuals described in subsection (l)(1) who are eligible for medical assistance under such plan or waiver under subsection (a)(10)(A)(ii)(IX) at a level that is less than the level at which the State provides such assistance to such individuals under such plan or waiver on the date of the enactment of this subsection.''.

(2) CHIP.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll), as amended by subsection (b), is further amended by adding at the end the following subsection:

''(g) MAINTENANCE OF EFFORT.—For calendar quarters beginning on or after January 1, 2021, and before January 1, 2024, the enhanced Federal medical assistance percentage otherwise determined for a State for the quarter under section 2105(b) shall be reduced by 0.5 percentage points if the State—

''(1) has in effect under such plan eligibility standards, methodologies, or procedures (including any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment) for targeted low-income pregnant women that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan that are in effect on the date of the enactment of this subsection; or

''(2) provides pregnancy-related assistance to targeted low-income pregnant women under such plan at a level that is less than the level at which the State provides such assistance to such women under such plan on the date of the enactment of this subsection.''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall take effect January 1, 2021, without regard to whether final regulations to carry out such amendments have been promulgated as of such date.

SEC. 9002. COMMUNITY ENGAGEMENT IN MATERNAL MORTALITY REVIEW COMMITTEES.

(a) IN GENERAL.—Section 317K of the Public Health Service Act (42 U.S.C. 247b–12) is amended—

(1) in subsection (d), by adding at the end the following:

''(9) GRANTS TO PROMOTE REPRESENTATIVE COMMUNITY ENGAGEMENT IN MATERNAL MORTALITY REVIEW COMMITTEES.—

''(A) IN GENERAL.—The Secretary, using funds made available pursuant to subparagraph (C), may provide assistance to an applicable maternal mortality review committee of a State, Indian tribe, tribal organization, or urban Indian organization, for purposes of—

''(i) selecting for inclusion in the membership of such a committee community members from the State, Indian tribe, tribal organization, or urban Indian organization, and, in making such selections, prioritizing community members who can increase the diversity of the committee's membership with respect to race and ethnicity, location, and professional background, including members with non-clinical experiences;

''(ii) to the extent applicable, addressing barriers to maternal mortality review committee participation for community members, including required training, transportation barriers, compensation, and other supports as may be necessary;

''(iii) establishing initiatives to conduct outreach and community engagement efforts within communities throughout the State or Indian Tribe to seek input from community members on the work of such maternal mortality review committee, with a particular focus on outreach to women of color; and

''(iv) releasing public reports assessing—

''(I) the pregnancy-related death and pregnancy-associated death review processes of the maternal mortality review committee, with a particular focus on the maternal mortality review committee's sensitivity to the unique circumstances of women of color who have suffered pregnancy-related deaths; and

''(II) the impact of the use of funds made available under subparagraph (C) on increasing the diversity of the maternal mortality review committee membership and promoting community engagement efforts throughout the State or Indian tribe.

''(B) TECHNICAL ASSISTANCE.—The Secretary shall provide (either directly through the Department of Health and Human Services or by contract) technical assistance to any maternal mortality review committee receiving a grant under this paragraph on best practices for increasing the diversity of the maternal mortality review committee's membership and for conducting effective community engagement throughout the State or Indian tribe.

''(C) APPROPRIATIONS.—In addition to any funds made available under subsections (g) and (h)(1), to carry out this paragraph, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $10,000,000 for each of fiscal years 2021 through 2025.''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3)(B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'urban Indian organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.''.

(b) RESERVATION OF FUNDS.—Section 317K(f) of the Public Health Service Act (42 U.S.C. 247b–12(f)) is amended by adding at the end the following: ''Of the amount made available under this subsection for fiscal year 2021 and any subsequent fiscal year, not less than $3,000,000 shall be reserved for grants to Indian tribes, tribal organizations, or urban Indian organizations.''.

SEC. 9003. INCREASED MATERNAL LEVELS OF CARE IN COMMUNITIES OF COLOR.

Section 317K of the Public Health Service Act (42 U.S.C. 247b–12), as amended by section 9002, is further amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(2) by inserting after subsection (d) the following:

''(e) LEVELS OF MATERNAL AND NEONATAL CARE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or continue in effect a program to award competitive grants to eligible entities to assist with the classification of birthing facilities based on the level of risk-appropriate maternal and neonatal care such entities can provide in order to strategically improve maternal and infant care delivery and health outcomes.

''(2) USE OF FUNDS.—An eligible entity receiving a grant under this subsection shall use such funds to—

''(A) coordinate an assessment of the risk-appropriate maternal and neonatal care of a State, jurisdiction, or region, based on the most recent guidelines and policy statements issued by the professional associations representing relevant clinical specialties, including obstetrics and gynecology and pediatrics; and

''(B) work with relevant stakeholders, such as hospitals, hospital associations, perinatal quality collaboratives, members of the communities most affected by racial, ethnic, and geographic maternal health inequities, maternal mortality review committees, and maternal and neonatal health care providers and community-based birth workers to review the findings of the assessment made of activities carried out under subparagraph (A); and

''(C) implement changes, as appropriate, based on identified gaps in perinatal services and differences in maternal and neonatal outcomes in the State, jurisdiction, or region for which such an assessment was conducted to support the provision of risk-appropriate care, including building up capacity as needed in communities experiencing high rates of maternal mortality and severe maternal morbidity and communities of colors.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this subsection, a State health department, Indian tribe, or other organization serving Indian tribes, such as a tribal health department or other organization fulfilling similar functions for the Indian tribe, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(4) PERIOD.—A grant awarded under this subsection shall be made for a period of 3 years. Any supplemental award made to a grantee under this subsection may be made for a period of less than 3 years.

''(5) REPORT TO CONGRESS.—Not later than January 1, 2023, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make publicly available, a report concerning the impact of the programs established or continued under this subsection.''; and

(3) by adding at the end the following:

''(h) ADDITIONAL FUNDING.—

''(1) APPROPRIATIONS FOR MATERNAL MORTALITY REVIEW COMMITTEES.—In addition to any funds made available under subsection (g) or subsection (d)(9)(C), to carry out subsection (d), there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $30,000,000 for each of fiscal years 2021 through 2025.

''(2) APPROPRIATIONS FOR INCREASING MATERNAL LEVELS OF CARE.—In addition to any funds made available under subsection (g), to carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $30,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9004. REPORTING ON PREGNANCY-RELATED AND PREGNANCY-ASSOCIATED DEATHS AND COMPLICATIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall encourage each State to voluntarily submit to the Secretary annual reports containing the findings of the maternal mortality review committee of the State with respect to each maternal death in the State that the committee reviewed during the applicable year.

(b) MATERNAL AND INFANT HEALTH.—The Director of the Centers for Disease Control and Prevention shall—

(1) update the Pregnancy Mortality Surveillance System or develop a separate system so that such system is capable of including data obtained from State maternal mortality review committees; and

(2) provide technical assistance to States in reviewing cases of pregnancy-related complications and pregnancy-associated complications, including assistance with disaggregating data based on race, ethnicity, and other protected classes.

SEC. 9005. RESPECTFUL MATERNITY CARE COMPLIANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall award grants to accredited hospitals, health systems, and other maternity care delivery settings to establish within one or more hospitals or other birth settings a respectful maternity care compliance office.

(b) OFFICE REQUIREMENTS.—A respectful maternity care compliance office funded through a grant under this section shall—

(1) institutionalize mechanisms to allow patients receiving maternity care services, the families of such patients, or doulas or other perinatal workers supporting such patients to report instances of disrespect or evidence of bias on the basis of race, ethnicity, or another protected class;

(2) institutionalize response mechanisms through which representatives of the office can directly follow up with the patient, if possible, and the reporter in a timely manner;

(3) prepare and make publicly available a hospital- or health system-wide strategy to reduce bias on the basis of race, ethnicity, or another protected class in the delivery of maternity care that includes—

(A) information on the training programs to reduce and prevent bias, racism, and discrimination on the basis of race, ethnicity, or another protected class for all employees in maternity care settings; and

(B) the development of methods to routinely assess the extent to which bias, racism, or discrimination on the basis of race, ethnicity, or another protected class are present in the delivery of maternity care to patients; and

(4) provide annual reports to the Secretary with information about each case reported to the compliance office over the course of the year containing such information as the Secretary may require, such as—

(A) de-identified demographic information on the patient in the case, such as race, ethnicity, sex (including sexual orientation and gender identity), and primary language;

(B) the content of the report from the patient or the family of the patient to the compliance office; and

(C) the response from the compliance office.

(c) SECRETARY REQUIREMENTS.—

(1) PROCESSES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish processes for—

(A) disseminating best practices for establishing and implementing a respectful maternity care compliance office within a hospital or other birth setting;

(B) promoting coordination and collaboration between hospitals, health systems, and other maternity care delivery settings on the establishment and implementation of respectful maternity care compliance offices; and

(C) evaluating the effectiveness of respectful maternity care compliance offices on maternal health outcomes and patient and family experiences, especially for women of color and their families.

(2) STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, through a contract with an independent research organization, shall conduct a study on strategies to address disrespect or bias on the basis of race, ethnicity, or another protected class in the delivery of maternity care services.

(B) COMPONENTS OF STUDY.—The study under subparagraph (A) shall include the following:

(i) An assessment of the reports submitted to the Secretary from the respectful maternity care compliance offices pursuant to subsection (b)(4).

(ii) Based on the assessment under clause (i), recommendations for potential accountability mechanisms related to cases of disrespect or bias on the basis of race, ethnicity, or another protected class in the delivery of maternity care services at hospitals and other birth settings, taking into consideration medical and non-medical factors that contribute to adverse patient experiences and maternal health outcomes.

(C) REPORT.—The Secretary shall submit to Congress and make publicly available a report on the results of the study under this paragraph.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $10,000,000 for each of fiscal years 2021 through 2025.

SEC. 9006. BIAS TRAINING FOR ALL EMPLOYEES IN MATERNITY CARE SETTINGS.

Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by adding at the end the following new section:

''SEC. 742. TRAINING FOR ALL EMPLOYEES IN MATERNITY CARE SETTINGS.

''(a) GRANTS.—The Secretary shall award grants to eligible entities for the purposes of carrying out programs to reduce and prevent bias, racism, and discrimination in maternity care settings.

''(b) SPECIAL CONSIDERATION.—In awarding grants under subsection (a), the Secretary shall give special consideration to applications for programs that would—

''(1) apply to all birthing professionals and any employees who interact with pregnant and postpartum women in the provider setting, including front desk employees, sonographers, schedulers, health care professionals, hospital or health system administrators, and security staff;

''(2) emphasize periodic, as opposed to one-time, trainings for all birthing professionals and employees described in paragraph (1);

''(3) address implicit bias and explicit bias;

''(4) be delivered in ongoing education settings for providers maintaining their licenses, with a preference for trainings that provide continuing education units and continuing medical education;

''(5) include trauma-informed care best practices and an emphasis on shared decision-making between providers and patients;

''(6) include a service-learning component that sends providers to work in underserved communities to better understand patients' lived experiences;

''(7) be delivered in undergraduate programs that funnel into medical schools, such as biology and pre-medicine majors;

''(8) be delivered at local agencies (as defined in section 17(b) of the Child Nutrition Act of 1966) that provide benefits or services under the special supplemental nutrition program for women, infants, and children established by that section;

''(9) integrate bias training in obstetric emergency simulation trainings;

''(10) offer training to all maternity care providers on the value of racially, ethnically, and professionally diverse maternity care teams to provide culturally sensitive care, including community health workers, peer supporters, certified lactation consultants, nutritionists and dietitians, social workers, home visitors, and navigators; or

''(11) be based on one or more programs designed by a historically Black college or university.

''(c) APPLICATION.—To seek a grant under subsection (a), an entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) REPORTING.—Each recipient of a grant under this section shall annually submit to the Secretary a report on the status of activities conducted using the grant, including, as applicable, a description of the impact of training provided through the grant on patient outcomes and patient experience for women of color and their families.

''(e) BEST PRACTICES.—Based on the annual reports submitted pursuant to subsection (d), the Secretary—

''(1) shall produce an annual report on the findings resulting from programs funded through this section including findings related to effectiveness of such trainings on improving patient outcomes and patient experience;

''(2) shall disseminate such report to all recipients of grants under this section and to the public; and

''(3) may include in such report findings on best practices for improving patient outcomes and patient experience for women of color and their families in maternity care settings.

''(f) DEFINITION.—In this section the term 'postpartum' means the 1-year period beginning on the last day of a woman's pregnancy.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $15,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9007. STUDY ON REDUCING AND PREVENTING BIAS, RACISM, AND DISCRIMINATION IN MATERNITY CARE SETTINGS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall seek to enter into an agreement, not later than 90 days after the date of enactment of this Act, with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the ''National Academies'') under which the National Academies agree to—

(1) conduct a study on the design and implementation of programs to reduce and prevent bias, racism, and discrimination in maternity care settings; and

(2) not later than 2 years after the date of enactment of this Act, complete the study and transmit a report on the results of the study to Congress.

(b) POSSIBLE TOPICS.—The agreement entered into pursuant to subsection (a) may provide for the study of any of the following:

(1) The development of a scorecard for programs designed to reduce and prevent bias, racism, and discrimination in maternity care settings to assess the effectiveness of such programs in improving patient outcomes and patient experience for women of color and their families.

(2) Determination of the types of training to reduce and prevent bias, racism, and discrimination in maternity care settings that are demonstrated to improve patient outcomes or patient experience for women of color and their families.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2021.

SEC. 9008. MATERNAL HEALTH RESEARCH NETWORK.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452H. MATERNAL HEALTH RESEARCH NETWORK.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of NIH, shall establish a National Maternal Health Research Network (referred to in this section as the 'Network'), to more effectively support innovative research to reduce maternal mortality and promote maternal health.

''(b) ACTIVITIES.—The Secretary, acting through the Network, may carry out activities to support mechanistic, translational, clinical, behavioral, or epidemiologic research, as well as community-informed research on structural risk factors to address unmet maternal health research needs specific to the underlying causes of maternal mortality and severe maternal morbidity and their treatment. Such activities should be focused on optimizing improved diagnostics and clinical treatments, improving health outcomes, and reducing inequities. Such activities should include studies focused on racial disparities and disproportionate maternal mortality and severe maternal morbidity affecting communities of color.

''(c) EXISTING NETWORKS.—In carrying out this section, the Secretary may utilize or coordinate with the Maternal Fetal Medicine Units Network and the Obstetric-Fetal Pharmacology Research Centers Network.

''(d) USE OF FUNDS.—Amounts appropriated to carry out this section may be used to support the Network for activities related to maternal mortality or severe maternal morbidity that lead to potential therapies or clinical practices that will improve maternal health outcomes and reduce inequities. Amounts provided to such Network shall be used to supplement, and not supplant, other funding provided to such Network for such activities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $100,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9009. INNOVATION IN MATERNITY CARE TO CLOSE RACIAL AND ETHNIC MATERNAL HEALTH DISPARITIES IN MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399V–7. INNOVATION IN MATERNITY CARE TO CLOSE RACIAL AND ETHNIC MATERNAL HEALTH DISPARITIES IN MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT GRANTS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to establish, implement, evaluate, or expand innovative models in maternity care that are designed to improve access to mental health and substance use disorder treatment.

''(b) USE OF FUNDS.—An eligible entity receiving a grant under this section may use the grant to establish, implement, evaluate, or expand innovative models described in subsection (a) including—

''(1) collaborative maternity care models to improve maternal mental health, treat maternal substance use disorders, and reduce maternal mortality and severe maternal morbidity, especially for women of color;

''(2) evidence-based programming at clinics that—

''(A) provide wraparound services for women with substance use disorders in the prenatal and postpartum periods that may include multidisciplinary staff, access to all evidence-based medication-assisted treatment, psychotherapy, contingency management, and recovery supports; or

''(B) make referrals for any such services that are not provided within the clinic;

''(3) evidence-based programs at freestanding birth centers that provide culturally sensitive maternal mental and behavioral health care education, treatments, and services, and other wraparound supports for women throughout the prenatal and postpartum period; and

''(4) the development and implementation of evidence-based programs, including tollfree telephone hotlines, that connect maternity care providers with women's mental health clinicians to provide maternity care providers with guidance on addressing maternal mental and behavioral health conditions identified in patients.

''(c) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications for models that will—

''(1) operate in—

''(A) areas experiencing high rates of maternal mortality;

''(B) areas with severe maternal morbidity;

''(C) communities of color; or

''(D) health professional shortage areas designated under section 332;

''(2) be led by women of color or women from communities experiencing high rates of maternal mortality or severe maternal morbidity; or

''(3) be implemented with a culturally sensitive approach that is focused on improving outcomes for women of color or women from communities experiencing high rates of maternal mortality or severe maternal morbidity.

''(d) EVALUATION.—As a condition on receipt of a grant under this section, an eligible entity shall agree to provide annual evaluations of the activities funded through the grant to the Secretary. Such evaluations may address—

''(1) the effects of such activities on maternal health outcomes and subjective assessments of patient and family experiences, especially for women of color or women from communities experiencing high rates of maternal mortality or severe maternal morbidity; and

''(2) the cost-effectiveness of such activities.

''(e) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means any public or private entity.

''(2) The term 'collaborative maternity care' means an integrated care model that includes the delivery of maternal mental and behavioral health care services in primary clinics or other care settings familiar to pregnant and postpartum patients.

''(3) The term 'freestanding birth center' has the meaning given that term under section 1905(l)(3)(B) of the Social Security Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $100,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9010. GRANTS TO GROW AND DIVERSIFY THE PERINATAL WORKFORCE.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by inserting after section 757 (42 U.S.C. 294f) the following:

"SEC. 758. PERINATAL WORKFORCE GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to institutions of higher education to establish or expand programs described in subsection (b) to grow and diversify the perinatal workforce.

''(b) USE OF FUNDS.—Recipients of grants under this section shall use the grants to grow and diversify the perinatal workforce by—

''(1) establishing programs that provide education and training to individuals seeking appropriate licensing or certification as—

''(A) physician assistants or nurse practitioners who will complete clinical training in the field of maternal and perinatal health; and

''(B) other perinatal health workers such as community health workers, peer supporters, certified lactation consultants, nutritionists and dietitians, social workers, home visitors, and navigators; and

''(2) expanding the capacity of existing programs described in paragraph (1), for the purposes of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

''(c) PRIORITIZATION.—In awarding grants under this section, the Secretary shall give priority to any institution of higher education that—

''(1) has demonstrated a commitment to recruiting and retaining students from communities of color, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity including communities of color;

''(2) has developed a strategy to recruit into, and retain, a diverse pool of students the perinatal workforce program supported by funds received through the grant, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity, including communities of color;

''(3) has developed a strategy to recruit and retain students who plan to practice in a health professional shortage area (as defined in section 332) or medically underserved community (as defined in section 799B);

''(4) has developed a strategy to recruit and retain students who plan to practice in an area with significant racial and ethnic disparities in maternal health outcomes, including communities of color; and

''(5) includes in the standard curriculum for all students within the perinatal workforce program a bias, racism, or discrimination training program that includes training on explicit and implicit bias.

''(d) REPORTING.—As a condition on receipt of a grant under this section for a perinatal workforce program , an institution of higher education shall agree to submit to the Secretary an annual report on the activities conducted through the grant, including—

''(1) the number and demographics of students participating in the program;

''(2) the extent to which students in the program are entering careers in—

''(A) health professional shortage areas (as defined in section 332)or medically underserved community (as defined in section 799B); and

''(B) areas with significant racial and ethnic disparities in maternal health outcomes including communities of color; and

''(3) whether the institution has included in the standard curriculum for all students a bias, racism, or discrimination training program that includes explicit and implicit bias, and if so, the effectiveness of such training program.

''(e) PERIOD OF GRANTS.—The period of a grant under this section shall be up to 5 years.

''(f) APPLICATION.—An entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including any information required for consideration for priority under subsection (c).

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or by contract, technical assistance to institutions of higher education seeking or receiving a grant under this section on the development, use, evaluation, and post-grant period sustainability of the perinatal workforce programs or schools proposed to be, or being, established or expanded through the grant.

''(h) REPORT BY SECRETARY.—Not later than 4 years after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post on the internet website of the Department of Health and Human Services, a report on the effectiveness of the grant program under this section at—

''(1) recruiting and retaining students from communities experiencing high rates of maternal mortality and severe maternal morbidity and communities of color;

''(2) increasing the number of physician assistants or nurse practitioners who will complete clinical training in the field of maternal and perinatal health, and other perinatal health workers, from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity and communities of color;

''(3) increasing the number of physician assistants or nurse practitioners who will complete clinical training in the field of maternal and perinatal health, and other perinatal health workers, working in health professional shortage areas (as defined in section 332)or medically underserved community (as defined in section 799B); and

''(4) increasing the number of physician assistants or nurse practitioners who will complete clinical training in the field of maternal and perinatal health, and other perinatal health workers, working in areas with significant racial and ethnic disparities in maternal health outcomes and communities of color.

''(i) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $30,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9011. GRANTS TO GROW AND DIVERSIFY THE DOULA WORKFORCE.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by inserting after section 758 (42 U.S.C. 294f) the following:

"SEC. 758A. DOULA WORKFORCE GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to entities to establish or expand programs described in subsection (b) to grow and diversify the doula workforce.

''(b) USE OF FUNDS.—Recipients of grants under this section shall use the grants to grow and diversify the doula workforce by—

''(1) establishing programs that provide education and training to individuals seeking appropriate training or certification as doulas; and

''(2) expanding the capacity of existing programs described in paragraph (1), for the purposes of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

''(c) PRIORITIZATION.—In awarding grants under this section, the Secretary shall give priority to any entity that—

''(1) has demonstrated a commitment to recruiting and retaining students from underserved communities, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity including communities of color;

''(2) has developed a strategy to recruit into, and retain, a diverse pool of students the doula workforce program, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity including communities of color;

''(3) has developed a strategy to recruit and retain students who plan to practice in a health professional shortage area (as defined in section 332) or medically underserved community (as defined in section 799B);

''(4) has developed a strategy to recruit and retain students who plan to practice in an area with significant racial and ethnic disparities in maternal health outcomes including communities of color; and

''(5) includes in the standard curriculum for all students a bias, racism, or discrimination training program that includes training on explicit and implicit bias.

''(d) REPORTING.—As a condition on receipt of a grant under this section for a doula workforce program, an entity shall agree to submit to the Secretary an annual report on the activities conducted through the grant, including—

''(1) the number and demographics of students participating in the program or school;

''(2) the extent to which students in the program or school are entering careers in—

''(A) health professional shortage areas (as defined in section 332)or medically underserved community (as defined in section 799B); and

''(B) areas with significant racial and ethnic disparities in maternal health outcomes including communities of color; and

''(3) whether the program or school has included in the standard curriculum for all students a bias, racism, or discrimination training program that includes explicit and implicit bias, and if so, the effectiveness of such training program.

''(e) PERIOD OF GRANTS.—The period of a grant under this section shall be up to 5 years.

''(f) APPLICATION.—To seek a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including any information necessary for prioritization under subsection (c).

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or by contract, technical assistance to institutions of higher education seeking or receiving a grant under this section on the development, use, evaluation, and post-grant period sustainability of the doula workforce programs proposed to be, or being, established or expanded through the grant.

''(h) REPORT BY SECRETARY.—Not later than 4 years after the date of enactment of this section, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and post on the internet website of the Department of Health and Human Services, a report on the effectiveness of the grant program under this section at—

''(1) recruiting student from communities experiencing high rates of maternal mortality and severe maternal morbidity and communities of color;

''(2) increasing the number of doulas from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity and communities of color;

''(3) increasing the number of doulas working in health professional shortage areas (as defined in section 332)or medically underserved community (as defined in section 799B); and

''(4) increasing the number of doulas working in areas with significant racial and ethnic disparities in maternal health outcomes and communities of color.

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $20,000,000 for each of fiscal years 2021 through 2025.''.

SEC. 9012. GRANTS TO STATE, LOCAL, AND TRIBAL PUBLIC HEALTH DEPARTMENTS ADDRESSING SOCIAL DETERMINANTS OF HEALTH FOR PREGNANT AND POSTPARTUM WOMEN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall award grants to State, local, and Tribal public health departments to address social determinants of maternal health in order to reduce or eliminate racial and ethnic disparities in maternal health outcomes.

(b) USE OF FUNDS.—A public health department receiving a grant under this section may use funds received through the grant to—

(1) build capacity and hire staff to coordinate efforts of the public health department to address social determinants of maternal health;

(2) develop, and provide for distribution of, resource lists of available social services for women in the prenatal and postpartum periods, which social services may include—

(A) transportation vouchers;

(B) housing supports;

(C) child care access;

(D) healthy food access;

(E) nutrition counseling;

(F) lactation supports;

(G) lead testing and abatement;

(H) clean water;

(I) infant formula;

(J) maternal mental and behavioral health care services;

(K) wellness and stress management programs; and

(L) other social services as determined by the public health department;

(3) in consultation with local stakeholders, establish or designate a ''one-stop'' resource center that provides coordinated social services in a single location for women in the prenatal or postpartum period; or

(4) directly address specific social determinant needs for the community that are related to maternal health as identified by the public health department, such as—

(A) transportation;

(B) housing;

(C) child care;

(D) healthy foods;

(E) infant formula;

(F) nutrition counseling;

(G) lactation supports;

(H) lead testing and abatement;

(I) air and water quality;

(J) wellness and stress management programs; and

(K) other social determinants as determined by the public health department.

(c) SPECIAL CONSIDERATION.—In awarding grants under subsection (a), the Secretary shall give special consideration to State, local, and Tribal public health departments that—

(1) propose to use the grants to reduce or end racial and ethnic disparities in maternal mortality and severe maternal morbidity rates; and

(2) operate in—

(A) areas with high rates of maternal mortality and severe maternal morbidity; or

(B) areas with high rates of significant racial and ethnic disparities in maternal mortality and severe maternal morbidity rates; or

(C) communities of color.

(d) GUIDANCE ON STRATEGIES.—In carrying out this section, the Secretary shall provide guidance to grantees on strategies for long-term viability of programs funded through this section after such funding ends.

(e) REPORTING.—

(1) BY GRANTEES.—As a condition on receipt of a grant under this section, a grantee shall agree to—

(A) evaluate the activities funded through the grant with respect to—

(i) maternal health outcomes with a specific focus on racial and ethnic disparities;

(ii) the subjective assessment of such activities by the beneficiaries of such activities, including mothers and their families; and

(iii) cost effectiveness and return on investment; and

(B) not later than 180 days after the end of the period of the grant, submit a report on the results of such evaluation to the Secretary.

(2) BY SECRETARY.—Not later than the end of fiscal year 2026, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) summarizing the evaluations submitted under paragraph (1); and

(B) making recommendations for improving maternal health and reducing or eliminating racial and ethnic disparities in maternal health outcomes, based on the results of grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2021 through 2025.

TITLE X—10–20–30 ANTI–POVERTY INITIATIVE AND HIRING AND CONTRACTING OPPORTUNITIES

Subtitle A—10–20–30 Anti-poverty Initiative

SEC. 10101. DEFINITIONS.

In this subtitle:

(1) DEVELOPMENT PROGRAM.—The term ''development program'' means any of the following programs, offices, or appropriations accounts:

(A) Any program administered by the Office of Rural Development of the Department of Agriculture.

(B) The Appalachian Regional Commission established by section 14301(a) of title 40, United States Code.

(C) Department of Commerce, Economic Development Administration, Economic Development Assistance Programs.

(D) The Delta Regional Authority established by section 382B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–1(a)(1)).

(E) The Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637).

(F) Any training or employment services program administered by the Employment and Training Administration of the Department of Labor.

(G) Department of Health and Human Services, Health Resources and Services Administration.

(H) Environmental Protection Agency, State and Tribal Assistance Grants.

(I) Department of Commerce, National Institute of Standards and Technology, Construction.

(J) Any program under the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.).

(K) A victim services program for victims of trafficking, as authorized by section 107(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)).

(L) Any program authorized under the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164; 119 Stat. 3558).

(M) The Paul Coverdell Forensic Sciences Improvement Grants program under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10561 et seq.).

(N) DNA-related and forensic programs and activities grants under part X of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10511 et seq.).

(O) The grant program for community-based sexual assault response reform grants under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.).

(P) The court-appointed special advocate program under section 217 of the Crime Control Act of 1990 (34 U.S.C. 20323).

(Q) A program under subtitle C of title II of the Second Chance Act of 2007 (34 U.S.C. 60541 et seq.).

(R) The Comprehensive Opioid Abuse Grant Program under part LL of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701 et seq.).

(S) A grant under section 220531 of title 36, United States Code.

(T) Department of Transportation, Office of the Secretary, Nationally Significant Freight and Highway Projects.

(U) Department of Transportation, Office of the Secretary, National Infrastructure Investments.

(V) Department of Transportation, Federal Transit Administration, Bus and Bus Facilities Infrastructure Investment Program.

(W) Department of Transportation, Federal Transit Administration, Capital Investment Grants Program.

(X) Any program of the Department of the Treasury relating to Community Development Financial Institutions (within the meaning of section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

(Y) The Southeast Crescent Regional Commission established by section 15301(a)(1) of title 40, United States Code.

(Z) The Southwest Border Regional Commission established by section 15301(a)(2) of title 40, United States Code.

(AA) The Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code.

(BB) The Northern Great Plains Regional Authority established by section 383B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(a)(1)).

(CC) The fair housing initiatives program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a).

(DD) A grant under section 4611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261).

(2) PERSISTENT POVERTY COUNTY.—The term ''persistent poverty county'' means any county with a poverty rate of not less than 20 percent, as determined in each of the 1990 and 2000 decennial censuses, and in the Small Area Income and Poverty Estimates of the Bureau of the Census for the most recent year for which the estimates are available.

(3) HIGH-POVERTY AREA.—The term ''high-poverty area'' means a census tract with a poverty rate of not less than 20 percent during the 5-year period ending on the date of enactment of this Act.

SEC. 10102. 10–20–30 FORMULA FOR PERSISTENT POVERTY COUNTIES.

Notwithstanding any other provision of law, the entity responsible for administering a development program shall use not less than 10 percent of the amounts made available in any appropriations Act for the program for each of fiscal years 2021 through 2030 in persistent poverty counties, if the entity is otherwise authorized to do so.

SEC. 10103. TARGETING HIGH-POVERTY CENSUS TRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the entity responsible for administering a development program shall use not less than the percentage described in subsection (b) of the amounts made available in any appropriations Act for the program for each of fiscal years 2021 through 2030 for projects based in or providing direct benefits to high-poverty areas, if the entity is otherwise authorized to do so.

(b) PERCENTAGE DESCRIBED.—The percentage referred to in subsection (a), with respect to a development program, is the percentage equal to the sum obtained by adding—

(1) the average percentage of Federal assistance awarded under the program in the 3-fiscal year period ending on the date of enactment of this Act that were used for projects based in or providing direct benefits to high-poverty areas; and

(2) 5 percent of the average total Federal assistance awarded under the program during the period referred to in paragraph (1).

SEC. 10104. FAILURE TO TARGET FUNDS.

If the entity responsible for administering a development program does not comply with section 10103 with respect to the development program for a fiscal year, the entity shall submit to Congress a report that describes how the entity plans to do so for the next fiscal year.

SEC. 10105. REPORT TO CONGRESS.

Not later than 180 days after the end of each fiscal year, the entity responsible for administering each development program shall submit to Congress a progress report on the implementation of this title with respect to the development program.

Subtitle B—Hiring Opportunities

SEC. 10211. LOCAL HIRING INITIATIVE FOR CONSTRUCTION JOBS.

(a) ESTABLISHMENT.—Notwithstanding section 112 of title 23, United States Code, section 200.319(b) of title 2, Code of Federal Regulations (or successor regulations), section 635.117(b) of title 23, Code of Federal Regulations (or successor regulations), and similar bidding requirements under title 49, United States Code, recipients of Federal assistance under title 23 or 49, United States Code, may use geographic hiring preferences (including local hiring preferences) pertaining to the use of labor for construction on a federally-assisted project, consistent with the policies and procedures of the recipient.

(b) WORKFORCE DIVERSITY.—For purposes of subsection (a), the Secretary of Transportation shall amend existing regulations or issue new regulations, as applicable, to establish a policy that, to the maximum extent practicable—

(1) ensures the use of pre-apprenticeship programs that—

(A) are designed to prepare to enter registered apprenticeship programs—

(i) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including ex-offenders and individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(ii) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities; and

(B) have written agreements with sponsors of not less than 1 registered apprenticeship program that will enable participants who successfully complete the apprenticeship readiness program to enter into the registered apprenticeship program if—

(i) an enrollment opportunity is available; and

(ii) the participant meets the qualifications of the program;

(2) ensures the use of registered apprenticeship programs that have written agreements with pre-apprenticeship programs described in paragraph (1); and

(3) encourages the entity using the geographic hiring preferences to establish outreach and support programs, in coordination with labor organizations, that increase diversity within the workforce, including expanded participation from—

(A) individuals with a barrier to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including ex-offenders and individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(B) individuals that represent populations that are traditionally underrepresented in the infrastructure workforce, such as women and racial and ethnic minorities.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary of Transportation shall submit to the Committees on Environment and Public Works, Commerce, Science, and Transportation, and Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the administration of this section, including—

(1) the number, types, and locations of projects that have used geographic hiring preferences pursuant to this section;

(2) an assessment of whether implementation of this section has served the intended purpose of this section, including by creating jobs or providing other benefits; and

(3) any recommendations for modifications to this section and the implementation of this section.

TITLE XI—RAISING THE MINIMUM WAGE AND STRENGTHENING OVERTIME RIGHTS

Subtitle A—Raise the Wage Act

SEC. 11111. SHORT TITLE.

This subtitle may be cited as the ''Raise the Wage Act''.

SEC. 11112. MINIMUM WAGE INCREASES.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $8.55 an hour, beginning on the effective date under section 11117 of the Raise the Wage Act;

''(B) $9.85 an hour, beginning 1 year after such effective date;

''(C) $11.15 an hour, beginning 2 years after such effective date;

''(D) $12.45 an hour, beginning 3 years after such effective date;

''(E) $13.75 an hour, beginning 4 years after such effective date;

''(F) $15.00 an hour, beginning 5 years after such effective date; and

''(G) beginning on the date that is 6 years after such effective date, and annually thereafter, the amount determined by the Secretary under subsection (h);''.

(b) DETERMINATION BASED ON INCREASE IN THE MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

''(h)(1) Not later than each date that is 90 days before a new minimum wage determined under subsection (a)(1)(G) is to take effect, the Secretary shall determine the minimum wage to be in effect under this subsection for each period described in subsection (a)(1)(G). The wage determined under this subsection for a year shall be—

''(A) not less than the amount in effect under subsection (a)(1) on the date of such determination;

''(B) increased from such amount by the annual percentage increase, if any, in the median hourly wage of all employees as determined by the Bureau of Labor Statistics; and

''(C) rounded up to the nearest multiple of $0.05.

''(2) In calculating the annual percentage increase in the median hourly wage of all employees for purposes of paragraph (1)(B), the Secretary, through the Bureau of Labor Statistics, shall compile data on the hourly wages of all employees to determine such a median hourly wage and compare such median hourly wage for the most recent year for which data are available with the median hourly wage determined for the preceding year.''.

SEC. 11113. TIPPED EMPLOYEES.

(a) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES AND TIPS RETAINED BY EMPLOYEES.—Section 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)(i)) is amended to read as follows:

''(i) the cash wage paid such employee, which for purposes of such determination shall be not less than—

''(I) for the 1-year period beginning on the effective date under section 11117 of the Raise the Wage Act, $3.60 an hour;

''(II) for each succeeding 1-year period until the hourly wage under this clause equals the wage in effect under section 6(a)(1) for such period, an hourly wage equal to the amount determined under this clause for the preceding year, increased by the lesser of—

''(aa) $1.50; or

''(bb) the amount necessary for the wage in effect under this clause to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of $0.05; and

''(III) for each succeeding 1-year period after the increase made pursuant to subclause (II), the minimum wage in effect under section 6(a)(1); and''.

(b) TIPS RETAINED BY EMPLOYEES.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)) is amended—

(1) in the second sentence of the matter following clause (ii), by striking ''of this subsection, and all tips received by such employee have been retained by the employee'' and inserting ''of this subsection. Any employee shall have the right to retain any tips received by such employee''; and

(2) by adding at the end the following: ''An employer shall inform each employee of the right and exception provided under the preceding sentence.''.

(c) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR TIPPED EMPLOYEES.—

(1) TIPPED EMPLOYEES.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)), as amended by subsections (a) and (b), is further amended by striking the sentence beginning with ''In determining the wage an employer is required to pay a tipped employee,'' and all that follows through ''of this subsection.'' and inserting ''The wage required to be paid to a tipped employee shall be the wage set forth in section 6(a)(1).''.

(2) PUBLICATION OF NOTICE.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 11115, is further amended by striking ''or in accordance with subclause (II) or (III) of section 3(m)(2)(A)(i)''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the date that is one day after the date on which the hourly wage under subclause (III) of section 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)(i)), as amended by subsection (a), takes effect.

SEC. 11114. NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.

(a) BASE MINIMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)) is amended by striking ''a wage which is not less than $4.25 an hour.'' and inserting the following: ''a wage at a rate that is not less than—

''(A) for the 1-year period beginning on the effective date under section 11117 of the Raise the Wage Act, $5.50 an hour;

''(B) for each succeeding 1-year period until the hourly wage under this paragraph equals the wage in effect under section 6(a)(1) for such period, an hourly wage equal to the amount determined under this paragraph for the preceding year, increased by the lesser of—

''(i) $1.25; or

''(ii) the amount necessary for the wage in effect under this paragraph to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of $0.05; and

''(C) for each succeeding 1-year period after the increase made pursuant to subparagraph (B)(ii), the minimum wage in effect under section 6(a)(1).''.

(b) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—

(1) IN GENERAL.—Section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)), as amended by subsection (a), shall be repealed.

(2) PUBLICATION OF NOTICE.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 11113(c)(2), is further amended by striking ''or subparagraph (B) or (C) of subsection (g)(1),''.

(3) EFFECTIVE DATE.—The repeal and amendment made by paragraphs (1) and (2), respectively, shall take effect on the date that is one day after the date on which the hourly wage under subparagraph (C) of section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)), as amended by subsection (a), takes effect.

SEC. 11115. PUBLICATION OF NOTICE.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by the preceding sections, is further amended by adding at the end the following:

''(i) Not later than 60 days prior to the effective date of any increase in the required wage determined under subsection (a)(1) or subparagraph (B) or (C) of subsection (g)(1), or in accordance with subclause (II) or (III) of section 3(m)(2)(A)(i) or section 14(c)(1)(A), the Secretary shall publish in the Federal Register and on the website of the Department of Labor a notice announcing each increase in such required wage.''.

SEC. 11116. PROMOTING ECONOMIC SELF-SUFFICIENCY FOR INDIVIDUALS WITH DISABILITIES.

(a) WAGES.—

(1) TRANSITION TO FAIR WAGES FOR INDIVIDUALS WITH DISABILITIES.—Subparagraph (A) of section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended to read as follows:

''(A) at a rate that equals, or exceeds, for each year, the greater of—

''(i)(I) $4.25 an hour, beginning 1 year after the date the wage rate specified in section 6(a)(1)(A) takes effect;

''(II) $6.40 an hour, beginning 2 years after such date;

''(III) $8.55 an hour, beginning 3 years after such date;

''(IV) $10.70 an hour, beginning 4 years after such date;

''(V) $12.85 an hour, beginning 5 years after such date; and

''(VI) the wage rate in effect under section 6(a)(1), on the date that is 6 years after the date the wage specified in section 6(a)(1)(A) takes effect; or

''(ii) if applicable, the wage rate in effect on the day before the date of enactment of the Raise the Wage Act for the employment, under a special certificate issued under this paragraph, of the individual for whom the wage rate is being determined under this subparagraph,''.

(2) PROHIBITION ON NEW SPECIAL CERTIFICATES; SUNSET.—Section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) (as amended by paragraph (1)) is further amended by adding at the end the following:

''(6) PROHIBITION ON NEW SPECIAL CERTIFICATES.—Notwithstanding paragraph (1), the Secretary shall not issue a special certificate under this subsection to an employer that was not issued a special certificate under this subsection before the date of enactment of the Raise the Wage Act.

''(7) SUNSET.—Beginning on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) takes effect, the authority to issue special certificates under paragraph (1) shall expire, and no special certificates issued under paragraph (1) shall have any legal effect.

''(8) TRANSITION ASSISTANCE.—Upon request, the Secretary shall provide—

''(A) technical assistance and information to employers issued a special certificate under this subsection for the purposes of—

''(i) transitioning the practices of such employers to comply with this subsection, as amended by the Raise the Wage Act; and

''(ii) ensuring continuing employment opportunities for individuals with disabilities receiving a special minimum wage rate under this subsection; and

''(B) information to individuals employed at a special minimum wage rate under this subsection, which may include referrals to Federal or State entities with expertise in competitive integrated employment.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(b) PUBLICATION OF NOTICE.—

(1) AMENDMENT.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 11114(b)(2), is further amended by striking ''or section 14(c)(1)(A),''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) of section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)), as amended by subsection (a)(1), takes effect.

SEC. 11117. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle or the amendments made by this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the first day of the third month that begins after the date of enactment of this Act.

Subtitle B—Restoring Overtime Pay Act

SEC. 11121. SHORT TITLE.

This subtitle may be cited as the ''Restoring Overtime Pay Act''.

SEC. 11122. MINIMUM SALARY THRESHOLD FOR BONA FIDE EXECUTIVE, ADMINISTRATIVE, AND PROFESSIONAL EMPLOYEES EXEMPT FROM FEDERAL OVERTIME COMPENSATION REQUIREMENTS.

(a) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''subsection (k) and'' after ''subject to''; and

(B) by inserting ''(except as provided under subsection (k)(2)(C))'' after ''Administrative Procedure Act''; and

(2) by adding at the end the following:

''(k) MINIMUM SALARY THRESHOLD.—

''(1) IN GENERAL.—Beginning on the effective date of the Restoring Overtime Pay Act, the Secretary shall require that an employee described in subsection (a)(1), as a requirement for exemption under such subsection, be compensated on a salary basis, or equivalent fee basis, within the meaning of such terms in subpart G of part 541 of title 29, Code of Federal Regulations (or any successor regulation), at a rate per week that is not less than the salary threshold under paragraph (2).

''(2) SALARY THRESHOLD.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the salary threshold shall be an amount that is equal to the 40th percentile of earnings of full-time salaried workers in the lowest-wage census region, as determined by the Bureau of Labor Statistics based on data from the second quarter of the calendar year preceding the calendar year in which such amount takes effect.

''(B) INCREASED THRESHOLD.—The Secretary may establish, through notice and comment rulemaking under section 553 of title 5, United States Code, a salary threshold that is an amount that—

''(i) is greater than the 40th percentile of earnings of the full-time salaried workers described in subparagraph (A); and

''(ii) is calculated based on a data set and methodology established by the Secretary that are capable of being updated in accordance with subparagraph (C).

''(C) AUTOMATIC UPDATES.—

''(i) IN GENERAL.—Not later than 3 years after the salary threshold first takes effect under subparagraph (A), and every 3 years thereafter, or, in the case in which the Secretary establishes an increased salary threshold under subparagraph (B), every 3 years after establishing such increased salary threshold, the Secretary shall update the amount of the salary threshold in effect under subparagraph (A) or (B), as applicable, so that such amount is equal to—

''(I) in the case in which the Secretary does not establish an increased salary threshold under subparagraph (B), the 40th percentile of earnings of full-time salaried workers in the lowest-wage census region, as determined by the Bureau of Labor Statistics based on data from the second quarter of the calendar year preceding the calendar year in which such updated amount is to take effect; and

''(II) in the case in which the Secretary establishes an increased salary threshold under subparagraph (B), the greater of—

''(aa) the 40th percentile described in subclause (I); and

''(bb) the increased salary threshold established under subparagraph (B), as updated in accordance with the data set and methodology established by the Secretary under subparagraph (B)(ii).

''(ii) NONAPPLICABILITY OF RULEMAKING.—Any update described in this subparagraph shall not be subject to the requirements of notice and comment rulemaking under section 553 of title 5, United States Code.

''(D) NOTICE REQUIREMENT.—Not later than 60 days before a revised salary threshold under this paragraph takes effect, the Secretary shall publish a notice announcing the amount in the Federal Register and on the internet website of the Department of Labor.

''(3) DUTIES TEST.—The Secretary shall, in addition to the requirement under paragraph (1), continue to require employees to satisfy a duties test, as prescribed by the Secretary, in defining and delimiting the terms described in subsection (a)(1).''.

(b) PUBLICATION OF EARNINGS.—Not later than 21 days after the end of each calendar quarter, the Bureau of Labor Statistics shall publish on its public website, for each week of such quarter, data on the weekly earnings of nonhourly, full-time salaried workers by census region (as designated by the Bureau of the Census).

(c) EFFECTIVE DATE.—This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the third month that begins after the date of enactment of this Act.

By Mr. THUNE (for himself, Mr. MERKLEY, Ms. COLLINS, and Mr. KING):

S. 5066. A bill to amend the Poultry Products Inspection Act and the Federal Meat Inspection Act to support small and very small meat and poultry processing establishments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 5066

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening Local Processing Act of 2020''.

SEC. 2. HACCP GUIDANCE AND RESOURCES FOR SMALLER AND VERY SMALL POULTRY AND MEAT ESTABLISHMENTS.

(a) POULTRY ESTABLISHMENTS.—The Poultry Products Inspection Act is amended by inserting after section 14 (21 U.S.C. 463) the following:

''SEC. 14A. SMALLER AND VERY SMALL ESTABLISHMENT GUIDANCE AND RESOURCES.

''(a) DEFINITIONS OF SMALLER ESTABLISHMENT AND VERY SMALL ESTABLISHMENT.—In this section, the terms 'smaller establishment' and 'very small establishment' have the meanings given those terms in the final rule entitled 'Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems' (61 Fed. Reg. 38806 (July 25, 1996)).

''(b) DATABASE OF STUDIES; MODEL PLANS.—Not later than 18 months after the date of enactment of this section, the Secretary shall—

''(1) establish a free, searchable database of approved peer-reviewed validation studies accessible to smaller establishments and very small establishments subject to inspection under this Act for use in developing a Hazard Analysis and Critical Control Points plan; and

''(2) publish online scale-appropriate model Hazard Analysis and Critical Control Points plans for smaller establishments and very small establishments, including model plans for—

''(A) slaughter-only establishments;

''(B) processing-only establishments; and

''(C) slaughter and processing establishments.

''(c) GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Secretary shall publish a guidance document, after notice and an opportunity for public comment, providing information on the requirements that need to be met for smaller establishments and very small establishments to receive approval for a Hazard Analysis and Critical Control Points Plan pursuant to this Act.''.

(b) MEAT ESTABLISHMENTS.—The Federal Meat Inspection Act is amended by inserting after section 25 (21 U.S.C. 625) the following:

''SEC. 26. SMALLER AND VERY SMALL ESTABLISHMENT GUIDANCE AND RESOURCES.

''(a) DEFINITIONS OF SMALLER ESTABLISHMENT AND VERY SMALL ESTABLISHMENT.—In this section, the terms 'smaller establishment' and 'very small establishment' have the meanings given those terms in the final rule entitled 'Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems' (61 Fed. Reg. 38806 (July 25, 1996)).

''(b) DATABASE OF STUDIES; MODEL PLANS.—Not later than 18 months after the date of enactment of this section, the Secretary shall—

''(1) establish a free, searchable database of approved peer-reviewed validation studies accessible to smaller establishments and very small establishments subject to inspection under this Act for use in developing a Hazard Analysis and Critical Control Points plan; and

''(2) publish online scale-appropriate model Hazard Analysis and Critical Control Points plans for smaller establishments and very small establishments, including model plans for—

''(A) slaughter-only establishments;

''(B) processing-only establishments; and

''(C) slaughter and processing establishments.

''(c) GUIDANCE.—Not later than 2 years after the date of enactment of this section, the Secretary shall publish a guidance document, after notice and an opportunity for public comment, providing information on the requirements that need to be met for smaller establishments and very small establishments to receive approval for a Hazard Analysis and Critical Control Points Plan pursuant to this Act.''.

SEC. 3. INCREASING MAXIMUM FEDERAL SHARE FOR EXPENSES OF STATE INSPECTION.

(a) POULTRY PRODUCTS.—Section 5(a)(3) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(3)) is amended in the second sentence by striking ''50 per centum'' and inserting ''65 percent''.

(b) MEAT AND MEAT FOOD PRODUCTS.—Section 301(a)(3) of the Federal Meat Inspection Act (21 U.S.C. 661(a)(3)) is amended in the second sentence by striking ''50 per centum'' and inserting ''65 percent''.

SEC. 4. COOPERATIVE INTERSTATE SHIPMENT OF POULTRY AND MEAT.

(a) POULTRY PRODUCTS.—Section 31 of the Poultry Products Inspection Act (21 U.S.C. 472) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''25 employees'' each place it appears and inserting ''50 employees''; and

(B) in paragraph (3)—

(i) in the paragraph heading, by striking ''25'' and inserting ''50'';

(ii) in subparagraph (A), by striking ''25'' and inserting ''50''; and

(iii) in subparagraph (B)—

(I) in clause (i), by striking ''more than 25 employees but less than 35 employees'' and inserting ''more than 50 employees but less than 70 employees''; and

(II) in clause (ii), by striking ''subsection (i)'' and inserting ''subsection (j)'';

(2) in subsection (c), by striking ''60 percent'' and inserting ''80 percent'';

(3) in subsection (e)(1), by striking ''subsection (i)'' and inserting ''subsection (j)'';

(4) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(5) by inserting after subsection (e) the following:

''(f) FEDERAL OUTREACH.—

''(1) IN GENERAL.—In each of fiscal years 2021 through 2024, for the purpose of State participation in the Cooperative Interstate Shipment program, the Secretary shall conduct outreach to, and, as appropriate, subsequent negotiation with, not fewer than 25 percent of the States that—

''(A) have a State poultry product inspection program pursuant to section 5; but

''(B) do not have a selected establishment.

''(2) REPORT.—At the conclusion of each of fiscal years 2021 through 2024, the Secretary shall submit a report detailing the activities and results of the outreach conducted during that fiscal year under paragraph (1) to—

''(A) the Committee on Agriculture of the House of Representatives;

''(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(C) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

''(D) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the Senate.''.

(b) MEAT AND MEAT FOOD PRODUCTS.—Section 501 of the Federal Meat Inspection Act (21 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''25 employees'' each place it appears and inserting ''50 employees''; and

(B) in paragraph (3)—

(i) in the paragraph heading, by striking ''25'' and inserting ''50'';

(ii) in subparagraph (A), by striking ''25'' and inserting ''50''; and

(iii) in subparagraph (B)(i), by striking ''more than 25 employees but less than 35 employees'' and inserting ''more than 50 employees but less than 70 employees'';

(2) in subsection (c), by striking ''60 percent'' and inserting ''80 percent''; and

(3) in subsection (f), by adding at the end the following:

''(3) FEDERAL OUTREACH.—

''(A) IN GENERAL.—In each of fiscal years 2021 through 2024, for the purpose of State participation in the Cooperative Interstate Shipment program, the Secretary shall conduct outreach to, and, as appropriate, subsequent negotiation with, not fewer than 25 percent of the States that—

''(i) have a State meat inspection program pursuant to section 301; but

''(ii) do not have a selected establishment.

''(B) REPORT.—At the conclusion of each of fiscal years 2021 through 2024, the Secretary shall submit a report detailing the activities and results of the outreach conducted during that fiscal year under paragraph (1) to—

''(i) the Committee on Agriculture of the House of Representatives;

''(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(iii) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives; and

''(iv) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the Senate.''.

SEC. 5. PROCESSING RESILIENCE GRANT PROGRAM.

Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''SEC. 210B. PROCESSING RESILIENCE GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a smaller establishment or very small establishment (as those terms are defined in the final rule entitled 'Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems' (61 Fed. Reg. 33806 (July 25, 1996)));

''(B) a slaughtering or processing establishment subject to—

''(i) a State meat inspection program pursuant to section 301 of the Federal Meat Inspection Act (21 U.S.C. 661); or

''(ii) a State poultry product inspection program pursuant to section 5 of the Poultry Products Inspection Act (21 U.S.C. 454);

''(C) a person engaging in custom operations that is exempt from inspection under—

''(i) section 23 of the Federal Meat Inspection Act (21 U.S.C. 623); or

''(ii) section 15 of the Poultry Products Inspection Act (21 U.S.C. 464); and

''(D) a person seeking—

''(i) to establish and operate an establishment described in subparagraph (A) or (B); or

''(ii) to engage in custom operations described in subparagraph (C).

''(2) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' means a for-profit business not less than 51 percent of which is owned by 1 or more Black American, Native American, Hispanic American, or Asian American individuals.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Administrator of the Agricultural Marketing Service.

''(b) GRANTS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Secretary shall award competitive grants to eligible entities for activities to adapt production, processing, distribution, and sales systems to respond to and recover from the effects of the Coronavirus Disease 2019 (referred to in this section as 'COVID–19') pandemic, including activities that—

''(A) support the health and safety of meat and poultry plant employees, suppliers, and customers;

''(B) support increased processing capacity; and

''(C) otherwise support the resilience of the small meat and poultry processing sector.

''(2) MAXIMUM AMOUNT.—The maximum amount of a grant awarded under this section shall not exceed $500,000.

''(3) DURATION.—The term of a grant awarded under this section shall not exceed 3 years.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) APPLICATIONS FOR SMALL GRANTS.—The Secretary shall establish a separate, simplified application process for eligible entities applying for a grant under this section of not more than $100,000.

''(3) REQUIREMENTS.—The Secretary shall ensure that any application for a grant under this section is—

''(A) simple and practicable;

''(B) accessible online; and

''(C) available through local staff of the Department of Agriculture.

''(4) NOTICE.—Not later than 14 days before the date on which the Secretary begins to accept applications under paragraph (1), the Secretary shall publish a notice of funding opportunity with respect to the grants available under this section.

''(5) REAPPLICATION.—If an application of an eligible entity under this subsection is denied by the Secretary, the eligible entity may submit a revised application.

''(6) PRIORITY.—In reviewing applications submitted under this subsection, the Secretary shall give priority to proposals that will—

''(A) increase farmer and rancher access to animal slaughter options within a 200-mile radius of the location of the farmer or rancher;

''(B) support an eligible entity described in subsection (a)(1)(A); or

''(C) support an eligible entity that is a minority-owned business.

''(d) USE OF GRANT.—An eligible entity that receives a grant under this section shall use the grant funds to carry out activities in support of the purposes described in subsection (b)(1), including through—

''(1) the development and issuance of a Hazard Analysis and Critical Control Points plan for the eligible entity, which may be developed by a consultant;

''(2) the purchase or establishment, as applicable, of facilities, equipment, processes, and operations necessary for the eligible entity to comply with applicable requirements under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

''(3) the purchase of cold storage, equipment, or transportation services or equipment needed to respond to COVID–19 demand;

''(4) the purchase of test kits for COVID–19, temperature screening supplies, disinfectant, sanitation systems, hand washing stations, and other sanitizing supplies;

''(5) the purchase and decontamination of personal protective equipment;

''(6) the construction or purchase of humane handling infrastructure, including holding space for livestock prior to slaughter, shade structures, and knock box structures;

''(7)(A) the purchase of software and computer equipment for record keeping, production data, Hazard Analysis and Critical Control Points record review, and facilitation of marketing and sales of products in a manner consistent with the social distancing guidelines of the Centers for Disease Control and Prevention; and

''(B) the provision of guidelines and training relating to that software and computer equipment;

''(8) the provision of staff time and training for implementing and monitoring health and safety procedures;

''(9) the development of a feasibility study or business plan for, or the carrying out of any other activity associated with, establishing or expanding a small meat or poultry processing facility; and

''(10) other activities associated with expanding or establishing an eligible entity described in subsection (a)(1)(A), as determined by the Secretary.

''(e) OUTREACH.—During the period beginning on the date on which the Secretary publishes the notice under subsection (c)(4) and ending on the date on which the Secretary begins to accept applications under subsection (c)(1), the Secretary shall perform outreach to States and eligible entities relating to grants under this section.

''(f) FEDERAL SHARE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the activities carried out using a grant awarded under this section shall not exceed—

''(A) 90 percent in the case of a grant in the amount of $100,000 or less; or

''(B) 75 percent in the case of a grant in an amount greater than $100,000.

''(2) FISCAL YEAR 2021.—An eligible entity awarded a grant under this section during fiscal year 2021 shall not be required to provide non-Federal matching funds with respect to the grant.

''(g) ADMINISTRATION.—The promulgation of regulations under, and administration of, this section shall be made without regard to—

''(1) the notice and comment provisions of section 553 of title 5, United States Code; and

''(2) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section $10,000,000 for each of fiscal years 2021 through 2030.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to the Secretary of Agriculture to carry out this section $15,000,000 for each of fiscal years 2021 through 2030.''.

SEC. 6. LOCAL MEAT AND POULTRY PROCESSING TRAINING PROGRAMS.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting before section 404 (7 U.S.C. 7624) the following:

''SEC. 403. LOCAL MEAT AND POULTRY PROCESSING TRAINING PROGRAMS.

''(a) HIGHER EDUCATION CAREER TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall provide competitive grants to junior or community colleges, technical or vocational schools, and land-grant colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) to establish or expand career training programs relating to meat and poultry processing.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $10,000,000 for fiscal year 2021 and each fiscal year thereafter, to remain available until expended.

''(b) PROCESSOR CAREER TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall provide grants to smaller establishments and very small establishments (as those terms are defined in the final rule entitled 'Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems' (61 Fed. Reg. 38806 (July 25, 1996))) and nongovernmental organizations to offset the cost of training new meat and poultry processors.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $10,000,000 for fiscal year 2021 and each fiscal year thereafter, to remain available until expended.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 806—DEFENDING THE FREE EXERCISE OF RELIGION

Mr. SCOTT of Florida (for himself, Mr. TILLIS, Mr. WICKER, Mr. BOOZMAN, Mr. CRAMER, Mr. PERDUE, Mr. ROUNDS, Mr. RUBIO, Mrs. BLACKBURN, Mr. COTTON, Mr. HOEVEN, Mr. BRAUN, Mrs. LOEFFLER, Mr. CRUZ, Mrs. HYDE-SMITH, Mr. LANKFORD, Mr. BARRASSO, Mr. PAUL, and Mr. DAINES) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 806

Whereas the First Amendment to the Constitution of the United States clearly, plainly, and unequivocally states that ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof'';

Whereas the constitutional protection of this bedrock principle of religious liberty was extended to the actions of the several States through the Fourteenth Amendment to the Constitution of the United States;

Whereas, despite the clear prohibition against laws infringing upon the free exercise of religion, houses of worship and religious organizations have been frequent targets of asymmetric restrictions by State and local government officials during the coronavirus pandemic;

Whereas irrespective of compliance with mask mandates, social distancing, and other protective measures to limit the spread of the coronavirus, houses of worship and religious organizations have been subjected to size restrictions or outright bans on in-person gatherings which severely infringe upon the right of their members to freely exercise their religion;

Whereas, while houses of worship and religious organizations are subjected to severe restrictions under the guise of limiting the transmission of the coronavirus, businesses and secular activities enjoy substantially more favorable treatment by some State and local government officials, including—

(1) New York Governor Andrew Cuomo, who severely restricted the number of members who could enter a church or synagogue in color-designated zones, but imposed no size restrictions on ''essential'' businesses, like acupuncture facilities, hardware stores, and liquor stores, and permitted other ''non-essential'' businesses to define their own size restrictions;

(2) North Carolina Governor Roy Cooper, who required worship services involving more than 10 people to be held outdoors unless a church demonstrated doing so would be ''impossible'', but commercial shopping centers could allow people into the stores without limitation;

(3) California Governor Gavin Newsom, who prohibited or severely limited in-person worship services in counties with large numbers of coronavirus cases, but secular businesses and activities such as shopping malls, swap meets, and card rooms were permitted higher attendance;

(4) New Jersey Governor Phil Murphy, who prohibited or severely restricted indoor services by houses of worship because they were not deemed ''essential'', but commercial establishments like marijuana dispensaries and liquor stores were permitted to remain open;

(5) Nevada Governor Steve Sisolak, who imposed strict numerical attendance caps on houses of worship because they were not deemed ''essential'', but allowed casinos and amusement parks to operate at half-capacity without specific numerical limits on people within those facilities; and

(6) Mayor of the District of Columbia Muriel Bowser, who prohibited even outdoor religious services attended by more than 100 people, regardless of compliance with face-covering and social distancing requirements, but actively encouraged and participated in crowded political demonstrations attended by thousands of individuals;

Whereas the United States Supreme Court recently granted injunctive relief to 2 houses of worship in New York against the discriminatory actions by New York Governor Andrew Cuomo, and declared ''even in a pandemic, the Constitution cannot be put away and forgotten''; and

Whereas, for millions of people of the United States, churches, synagogues, and houses of worship are more than just buildings, and the ability to gather together in prayer for people of all faiths, creeds, and beliefs must not be diminished or impeded by the whims of government officials: Now, therefore, be it

Resolved, That the Senate—

(1) affirms its support for the rights, liberties, and protections enshrined in the United States Constitution; and

(2) commits to vigorously defend the right of all people of the United States to engage in the free exercise of religion.

SENATE RESOLUTION 807—URGING THE GOVERNMENT OF UGANDA AND ALL PARTIES TO RESPECT HUMAN, CIVIL, AND POLITICAL RIGHTS AND ENSURE FREE AND FAIR ELECTIONS IN JANUARY 2021, AND RECOGNIZING THE IMPORTANCE OF MULTIPARTY DEMOCRACY IN UGANDA

Mr. MENENDEZ submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 807

Whereas the United States has an important interest in supporting democracy in Uganda and has consistently demonstrated support for the people of Uganda through efforts to advance good governance, economic growth, and improved access to health and education;

Whereas Uganda has been an important security partner of the United States, including through its contributions to the counter-terrorism efforts in East Africa, and to the African Union Mission in Somalia;

Whereas Uganda remains one of the top refugee hosting countries in the world, a contribution that plays an important role in regional stability and humanitarian protection;

Whereas more than 75 percent of Uganda's population is younger than 30 years of age, and the political, economic, and social stability of country will be shaped by the welfare of its youth, and their access to opportunity, equality, and dignified lives;

Whereas respect for human, civil, and political rights and deepening multiparty democracy are essential to Uganda's long-term economic prosperity and political stability;

Whereas the conduct of elections, particularly the January 2021 elections, will have a significant impact on the trajectory of democratic growth in Uganda and its relationship with the United States;

Whereas the National Resistance Movement (referred to in this preamble as ''NRM'') took control of the Government of Uganda in 1986 after period of protracted conflict and has dominated the political affairs in Uganda ever since;

Whereas Yoweri Museveni has served as Uganda's head of state since 1986, making him the third-longest actively serving head of state in Africa;

Whereas Uganda has had national elections since 1996, and multiparty elections since 2006, all of which have been won by the NRM and President Museveni;

Whereas the NRM has engineered changes to the Ugandan constitution in 2005 and 2017, which removed presidential term limits and age-limits respectively, and have allowed President Museveni to remain in power for more than 3 decades;

Whereas national elections in Uganda since 1996 have not met internationally accepted standards for free and fair polls, as the ruling party has leveraged access to, and influence over, state resources and institutions to tilt the electoral balance in its favor;

Whereas Ugandan authorities have used coercive measures, including arbitrary arrests and detentions, torture, extra-judicial killings, and intrusive surveillance technology to intimidate and silence political opposition in the country;

Whereas in March 2020, the Constitutional Court of Uganda annulled section 8 of the repressive Public Order Management Act of 2013, but Ugandan authorities continue to obstruct lawful assemblies by the political opposition, often through violence;

Whereas the Museveni Administration has used arbitrary and partisan legal action, enabled by its control of the courts, to intimidate and silence members of the political opposition;

Whereas Ugandan authorities have not been held accountable for human rights abuses, including those perpetrated against prominent members of the political opposition, including members of parliament;

Whereas many Ugandan officials have not been held accountable for acts of gross corruption, which have been documented by Human Rights Watch in 2013 and other nongovernmental organizations (referred to in this preamble as ''NGOs''), despite the existence of anti-corruption laws, including—

(1) the Penal Code Act;

(2) the Leadership Code Act, 2002;

(3) the Inspectorate of Government Act, 2002;

(4) the Anti-Corruption Act, 2009; and

(5) the Public Finance Management Act, 2015;

Whereas Ugandan authorities continue to deploy a range of restrictive and onerous administrative measures against NGOs, including—

(1) the deregistration of more than 12,000 mostly local NGOs in November 2019;

(2) the freezing of the bank accounts of some NGOs in December 2020; and

(3) a broader range of actions designed to intimidate civil society, such as the denial of entry or deportation of some leaders of international NGOs in 2020;

Whereas independent media outlets in Uganda have been placed under increasing duress by the Museveni Administration through regulatory and other administrative and legal actions designed to intimidate journalists who report independently;

Whereas journalists working for foreign media outlets are now required to re-register with Ugandan authorities or risk criminal penalties and some foreign journalists have been deported from the country;

Whereas Ugandan authorities have sought to undermine digital rights, including by—

(1) subjecting people with large social media followings to onerous administrative regulation through the Uganda Communications Commission public notice of September 2020 and prior regulatory acts of the Uganda Communications Commission;

(2) imposing burdensome taxes on social media users;

(3) blocking access to social media during the 2016 elections; and

(4) prosecuting some individuals who have criticized the Museveni Administration on social media platforms;

Whereas although Uganda is home to one of the premiere institutions of higher education in Africa (Makerere University), Ugandan authorities have taken repeated action to suppress academic freedom and intimidate students and faculty that have been critical of the Museveni Administration, including by firing and jailing professors who criticize the regime;

Whereas same-sex relations in Uganda remain criminalized under section 145 of the Penal Code Act, and people who identify as lesbian, gay, bisexual, transgender, or queer (referred to in this preamble as ''LGBTQ persons'') face a range of direct punitive action from Ugandan authorities, such as arrest and detention, and a permissive environment that encourages impunity for attacks against LGBTQ persons;

Whereas the Museveni Administration has deployed an escalating array of repressive measures before the January 2021 elections, including placing uneven and partisan limits on the campaign activity of leading opposition candidates and arresting some candidates, which have triggered protests and the subsequent use of force by the security apparatus to put down the protests, which led to the deaths of at least 28 people in November 2020:

Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Museveni Administration's assault on democratic freedoms, including attacks on opposition politicians, assaults on journalists and media freedoms, and burdensome restrictions on nongovernmental organizations;

(2) urges the Government of Uganda—

(A) to respect the rights enshrined in the Constitution of the Republic of Uganda (referred to in this resolution as the ''Constitution'') and relevant international obligations, particularly the rights to freedom of movement, expression, information, religion, association, equality, privacy, and personal security; and

(B) to take immediate steps to improve the pre-election environment and to create conditions for credible democratic elections in January 2021 that enable Ugandan citizens the opportunity to freely exercise their right to vote;

(3) calls upon the Government of Uganda and President Museveni—

(A) to repeal repressive laws and administrative actions that are contrary to the principles of good governance, a healthy democracy, and the rights enumerated in the Constitution, such as—

(i) colonial-era laws that target the LGBTQ community; and

(ii) the Uganda Communications Commission's September 2020 public notice that, in conjunction with other regulations, undermines digital rights;

(B) to allow citizens, civil society organizations, and political parties to assemble peacefully and to freely express their views;

(C) to immediately lift uneven and partisan restrictions on political activities, including the uneven, partisan, and violent application of COVID–19 restrictions on opposition political gatherings and rallies, and to safely allow opposition parties to hold political rallies, meetings, and demonstrations at times of their choosing;

(D) to provide transparent, consistent, and nonintrusive procedures for nongovernmental organizations to register, and to enable them to carry out programs and other legal activity without interference from the state authorities;

(E) to safeguard press and academic freedom, in accordance with the Constitution and the Universal Declaration of Human Rights, adopted in Paris December 10, 1948;

(F) to condemn threats and attacks against opposition political parties and civil society, and to ensure accountability for harassment, intimidation, or physical attacks on members of the opposition;

(G) to end the escalating campaign of repression against opposition candidates and their parties before the January 2021 elections; and

(H) to guarantee the ability of domestic and international election observers to monitor the January 2021 polls without hindrance;

(4) calls on the Secretary of State, and the heads of relevant departments and agencies of the United States Government to continue—

(A) to speak out against the Government of Uganda's efforts to undermine democracy; and

(B) to hold the Government of Uganda accountable for respecting the rights of its citizens, in accordance with its Constitution and international obligations, including by—

(i) considering the imposition of targeted sanctions and visa restrictions on actors involved in undermining credible, transparent elections, or for perpetrating or abetting human rights abuses;

(ii) leading international partners and institutions, including those in Africa, in developing and implementing strategies and actions to promote and defend human, civil, and political rights and multiparty democracy in Uganda;

(iii) immediately conducting a review of United States Government assistance and cooperation with the Government of Uganda for the purposes of reprioritizing areas and sectors of assistance should neutral observers determine that the January 2021 polls do not meet internationally accepted standards for credible elections; and

(iv) insisting on full and public investigations that ensure accountability for acts of violence, harassment and intimidation perpetrated against political opposition, journalists, and members of civil society, especially before and after the January 2021 elections.

SENATE RESOLUTION 808—CONGRATULATING THE NATIONAL URBAN LEAGUE ON 110 YEARS OF SERVICE EMPOWERING AFRICAN AMERICANS AND OTHER UNDERSERVED COMMUNITIES WHILE HELPING TO FOSTER A MORE JUST, EQUITABLE, AND INCLUSIVE UNITED STATES

Mr. BOOKER (for himself, Mr. SCOTT of South Carolina, Mr. BROWN, Mr. GRAHAM, Mr. JONES, Mr. RUBIO, Mr. MARKEY, Mr. BLUMENTHAL, Ms. SMITH, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 808

Whereas the National Urban League—

(1) was founded in 1910 by Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes as a multiracial, diverse, and grassroots campaign;

(2) is a nonpartisan and historic social service and civil rights organization based in New York City; and

(3) is dedicated to economic empowerment, equality, and social justice for African Americans and other historically underserved groups;

Whereas 8 leaders have been at the helm of the National Urban League during its 110-year history;

Whereas the 8 leaders of the National Urban League were strengthened by an interracial board of trustees comprised of key figures from businesses in the United States, labor unions, community organizations, and religious and academic institutions;

Whereas the National Urban League—

(1) is the oldest and largest community-based organization of its kind in the United States; and

(2) provides direct services in the areas of education, health care, housing, jobs, and justice that improve the lives of more than 2,000,000 individuals across the United States;

Whereas the employees of the headquarters of the National Urban League in New York City and its Washington Bureau in Washington, D.C., spearhead the efforts of the local affiliates of the National Urban League through the development of signature programs, public policy research, and advocacy;

Whereas, on its 110th anniversary, the National Urban League can look back with great pride on its extraordinary accomplishments;

Whereas the research arm of the National Urban League—

(1) was established in 1921 by renowned researcher Dr. Charles S. Johnson; and

(2) has released numerous publications, including Opportunity: Journal of Negro Life between 1923 and 1949, State of Black America since 1976, and other pertinent studies documenting and elevating social consciousness;

Whereas, in 1962, the Washington Bureau of the National Urban League was established, which serves as the research, policy, and advocacy arm of the National Urban League and gives voice to voiceless individuals on issues before Congress and the administration of the President;

Whereas, during the 1960s, the National Urban League—

(1) became a major force in the civil rights arena and worked closely with A. Phillip Randolph, Dr. Martin Luther King, Jr., and many other exceptional leaders to advance civil rights, voting rights, and fair housing legislation; and

(2) saw tremendous growth in its partnership with the Federal Government to address race relations, deliver aid to urban areas, and improve housing, education, healthcare, and assistance to minority-owned businesses;

Whereas, in 1964, the National Urban League, through its affiliate network, helped register more than 500,000 Black voters;

Whereas, in 1972, the Citizenship Education department of the National Urban League was established, which offers local citizenship education programs, voter registration drives, and get out the vote campaigns;

Whereas the Citizenship Education department published the Power of the Ballot, registered 75,000 new Black voters as part of a 17-city voter registration drive, and, in 2020, has intensified efforts to register Black voters get out the vote and challenge voter suppression;

Whereas the 90 local affiliates and 11,000 volunteers of the National Urban League, which are located in 36 States and the District of Columbia, provide services across 300 communities;

Whereas the signature programs of the National Urban League—

(1) are evidence-based, data-informed, and scalable; and

(2) demonstrably enhance the economic and educational status of the communities the programs serve;

Whereas, since 2004, the Entrepreneurship Center Program, which is a part of the Entrepreneurship and Business Services division of the National Urban League, has served approximately 185,000 minority-owned businesses, helped those businesses secure more than $1,000,000,000 in financing, bonding capacity, and contracting opportunities, and created or saved more than 170,000 full-time and part-time jobs;

Whereas, since 2008, more than 315,000 individuals have received assistance through the Comprehensive Housing Counseling and Financial Empowerment programs of the Housing and Community Development division of the National Urban League;

Whereas Restore Our Homes, which is the foreclosure prevention initiative of the National Urban League, has helped more than 25,000 individuals avoid foreclosure, and the Home Purchase program of the National Urban League has assisted 7,200 individuals to become first-time homeowners;

Whereas, since 2008, Project Ready, which is the signature program of the Education and Youth Development division of the National Urban League, has helped 18,000 students in grades 8 through 12 progress academically, benefit from cultural enrichment opportunities, and develop important skills, attitudes, and aptitudes that position them for success during and after high school;

Whereas, since 2010, the Equity and Excellence Project of the National Urban League has enabled the affiliates of the National Urban League to expand their education advocacy and engagement work in cities and States across the United States;

Whereas, in 2013, the Rebuild America Initiative, which is a program of the Workforce Development division of the National Urban League, has helped more than 250,000 unemployed and underemployed adults, including young adults, reentry adults, and mature adults, to secure full-time employment or career advancement opportunities;

Whereas the National Urban League—

(1) has been a leader in the United States in the fight against unfair laws and economic and racial inequality; and

(2) is dedicated to eradicating social and economic injustices through the development of programs, public policy research, and advocacy for policies and services that close equality and equity gaps;

Whereas, through the work of the Equitable Justice and Democracy Program, the National Urban League advocates for justice and fairness for all individuals through the removal of unjust systemic barriers in the criminal justice system of the United States, the protection of voting rights, and the preservation of freedoms to fully participate in the democracy and civic processes of the United States;

Whereas, throughout 110 years of service, the National Urban League has been pivotal in improving the lives of millions of African Americans and individuals who are members of other underserved communities by helping those individuals to combat poverty, achieve civil rights, and gain economic prosperity; and

Whereas the National Urban League remains an essential organization today: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the National Urban League on 110 years of service empowering African Americans and other underserved communities while helping to foster a more just, equitable, and inclusive United States;

(2) expresses deep gratitude for the hard-working and dedicated men and women of the National Urban League and the affiliates and auxiliaries of the National Urban League, who, for more than 110 years, have challenged unjust systems and broken down economic and social barriers; and

(3) commends the ongoing and tireless efforts of the National Urban League to continue—

(A) addressing racial and economic inequality; and

(B) fighting for the rights of all people of the United States to live with freedom, dignity, and prosperity.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2718. Mr. CRUZ (for himself, Ms. SINEMA, Mr. WICKER, Ms. CANTWELL, Mr. CARDIN, and Mr. VAN HOLLEN) proposed an amendment to the bill S. 2800, to authorize programs of the National Aeronautics and Space Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 2718. Mr. CRUZ (for himself, Ms. SINEMA, Mr. WICKER, Ms. CANTWELL, Mr. CARDIN, and Mr. VAN HOLLEN) proposed an amendment to the bill S. 2800, to authorize programs of the National Aeronautics and Space Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2020''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise expressly provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CISLUNAR SPACE.—The term ''cislunar space'' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, including cislunar space.

(6) DEVELOPMENT COST.—The term ''development cost'' has the meaning given the term in section 30104 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has entered into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described in section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

(12) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' means the Space Launch System authorized under section 302 of the National Aeronautics and Space Administration Act of 2010 (42 U.S.C. 18322).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administration for fiscal year 2021 $23,495,000,000 as follows:

(1) For Exploration, $6,706,400,000.

(2) For Space Operations, $3,988,200,000.

(3) For Science, $7,274,700,000.

(4) For Aeronautics, $828,700,000.

(5) For Space Technology, $1,206,000,000.

(6) For Science, Technology, Engineering, and Mathematics Engagement, $120,000,000.

(7) For Safety, Security, and Mission Services, $2,936,500,000.

(8) For Construction and Environmental Compliance and Restoration, $390,300,000.

(9) For Inspector General, $44,200,000.

TITLE II—HUMAN SPACEFLIGHT AND EXPLORATION

SEC. 201. ADVANCED CISLUNAR AND LUNAR SURFACE CAPABILITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) commercial entities in the United States have made significant investment and progress toward the development of human-class lunar landers;

(2) NASA developed the Artemis program—

(A) to fulfill the goal of landing United States astronauts, including the first woman and the next man, on the Moon; and

(B) to collaborate with commercial and international partners to establish sustainable lunar exploration by 2028; and

(3) in carrying out the Artemis program, the Administration should ensure that the entire Artemis program is inclusive and representative of all people of the United States, including women and minorities.

(b) LANDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall foster the flight demonstration of not more than 2 human-class lunar lander designs through public-private partnerships.

(2) INITIAL DEVELOPMENT PHASE.—The Administrator may support the formulation of more than 2 concepts in the initial development phase.

(c) REQUIREMENTS.—In carrying out the program under subsection (b), the Administrator shall—

(1) enter into industry-led partnerships using a fixed-price, milestone-based approach;

(2) to the maximum extent practicable, encourage reusability and sustainability of systems developed;

(3) prioritize safety and implement robust ground and in-space test requirements;

(4) ensure availability of 1 or more lunar polar science payloads for a demonstration mission; and

(5) to the maximum extent practicable, offer existing capabilities and assets of NASA centers to support these partnerships.

SEC. 202. SPACE LAUNCH SYSTEM CONFIGURATIONS.

(a) MOBILE LAUNCH PLATFORM.—The Administrator is authorized to maintain 2 operational mobile launch platforms to enable the launch of multiple configurations of the Space Launch System.

(b) EXPLORATION UPPER STAGE.—To meet the capability requirements under section 302(c)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(2)), the Administrator shall continue development of the Exploration Upper Stage for the Space Launch System with a scheduled availability sufficient for use on the third launch of the Space Launch System.

(c) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on the development and scheduled availability of the Exploration Upper Stage for the third launch of the Space Launch System.

(d) MAIN PROPULSION TEST ARTICLE.—To meet the requirements under section 302(c)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)(3)), the Administrator shall—

(1) immediately on completion of the first full-duration integrated core stage test of the Space Launch System, initiate development of a main propulsion test article for the integrated core stage propulsion elements of the Space Launch System, consistent with cost and schedule constraints, particularly for long-lead propulsion hardware needed for flight;

(2) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a detailed plan for the development and operation of such main propulsion test article; and

(3) use existing capabilities of NASA centers for the design, manufacture, and operation of the main propulsion test article.

SEC. 203. ADVANCED SPACESUITS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that next-generation advanced spacesuits are a critical technology for human space exploration and use of low-Earth orbit, cislunar space, the surface of the Moon, and Mars.

(b) DEVELOPMENT PLAN.—The Administrator shall establish a detailed plan for the development and manufacture of advanced spacesuits, consistent with the deep space exploration goals and timetables of NASA.

(c) DIVERSE ASTRONAUT CORPS.—The Administrator shall ensure that spacesuits developed and manufactured after the date of the enactment of this Act are capable of accommodating a wide range of sizes of astronauts so as to meet the needs of the diverse NASA astronaut corps.

(d) ISS USE.—Throughout the operational life of the ISS, the Administrator should fully use the ISS for testing advanced spacesuits.

(e) PRIOR INVESTMENTS.—

(1) IN GENERAL.—In developing an advanced spacesuit, the Administrator shall, to the maximum extent practicable, partner with industry-proven spacesuit design, development, and manufacturing suppliers and leverage prior and existing investments in advanced spacesuit technologies and existing capabilities at NASA centers to maximize the benefits of such investments and technologies.

(2) AGREEMENTS WITH PRIVATE ENTITIES.—In carrying out this subsection, the Administrator may enter into 1 or more agreements with 1 or more private entities for the manufacture of advanced spacesuits, as the Administrator considers appropriate.

(f) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter until NASA procures advanced spacesuits under this section, the Administrator shall brief the appropriate committees of Congress on the development plan in subsection (b).

SEC. 204. ACQUISITION OF DOMESTIC SPACE TRANSPORTATION AND LOGISTICS RESUPPLY SERVICES.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator shall not enter into any contract with a person or entity that proposes to use, or will use, a foreign launch provider for a commercial service to provide space transportation or logistics resupply for—

(1) the ISS; or

(2) any Government-owned or Government-funded platform in Earth orbit or cislunar space, on the lunar surface, or elsewhere in space.

(b) EXCEPTION.—The Administrator may enter into a contract with a person or an entity that proposes to use, or will use, a foreign launch provider for a commercial service to carry out an activity described in subsection (a) if—

(1) a domestic vehicle or service is unavailable; or

(2) the launch vehicle or service is a contribution by a partner to an international no-exchange-of-funds collaborative effort.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Administrator from entering into 1 or more no-exchange-of-funds collaborative agreements with an international partner in support of the deep space exploration plan of NASA.

SEC. 205. ROCKET ENGINE TEST INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall continue to carry out a program to modernize rocket propulsion test infrastructure at NASA facilities—

(1) to increase capabilities;

(2) to enhance safety;

(3) to support propulsion development and testing; and

(4) to foster the improvement of Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program described in subsection (a) may include—

(1) infrastructure and other facilities and systems relating to rocket propulsion test stands and rocket propulsion testing;

(2) enhancements to test facility capacity and flexibility; and

(3) such other projects as the Administrator considers appropriate to meet the goals described in that subsection.

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) prioritize investments in projects that enhance test and flight certification capabilities for large thrust-level atmospheric and altitude engines and engine systems, and multi-engine integrated test capabilities;

(2) continue to make underutilized test facilities available for commercial use on a reimbursable basis; and

(3) ensure that no project carried out under this program adversely impacts, delays, or defers testing or other activities associated with facilities used for Government programs, including—

(A) the Space Launch System and the Exploration Upper Stage of the Space Launch System;

(B) in-space propulsion to support exploration missions; or

(C) nuclear propulsion testing.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and the Exploration Upper Stage of the Space Launch System, from using the modernized test infrastructure developed under this section.

(e) WORKING CAPITAL FUND STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the use of the authority under section 30102 of title 51, United States Code, to promote increased use of NASA rocket propulsion test infrastructure for research, development, testing, and evaluation activities by other Federal agencies, firms, associations, corporations, and educational institutions.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) An assessment of prior use, if any, of the authority under section 30102 of title 51, United States Code, to improve testing infrastructure.

(B) An analysis of any barrier to implementation of such authority for the purpose of promoting increased use of NASA rocket propulsion test infrastructure.

SEC. 206. INDIAN RIVER BRIDGE.

(a) IN GENERAL.—The Administrator, in coordination with the heads of other Federal agencies that use the Indian River Bridge on the NASA Causeway, shall develop a plan to ensure that a bridge over the Indian River at such location provides access to the Eastern Range for national security, civil, and commercial space operations.

(b) FEE OR TOLL DISCOURAGED.—The plan shall strongly discourage the imposition of a user fee or toll on a bridge over the Indian River at such location.

SEC. 207. PEARL RIVER MAINTENANCE.

(a) IN GENERAL.—The Administrator shall coordinate with the Chief of the Army Corps of Engineers to ensure the continued navigability of the Pearl River and Little Lake channels sufficient to support NASA barge operations surrounding Stennis Space Center and the Michoud Assembly Facility.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on efforts under subsection (a).

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate; and

(2) the Committee on Science, Space, and Technology, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives.

SEC. 208. VALUE OF INTERNATIONAL SPACE STATION AND CAPABILITIES IN LOW-EARTH ORBIT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national and economic security interests of the United States to maintain a continuous human presence in low-Earth orbit;

(2) low-Earth orbit should be used as a test bed to advance human space exploration and scientific discoveries; and

(3) the ISS is a critical component of economic, commercial, and industrial development in low-Earth orbit.

(b) HUMAN PRESENCE REQUIREMENT.—The United States shall continuously maintain the capability for a continuous human presence in low-Earth orbit through and beyond the useful life of the ISS.

SEC. 209. EXTENSION AND MODIFICATION RELATING TO INTERNATIONAL SPACE STATION.

(a) POLICY.—Section 501(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351(a)) is amended by striking ''2024'' and inserting ''2030''.

(b) MAINTENANCE OF UNITED STATES SEGMENT AND ASSURANCE OF CONTINUED OPERATIONS.—Section 503(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353(a)) is amended by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(c) RESEARCH CAPACITY ALLOCATION AND INTEGRATION OF RESEARCH PAYLOADS.—Section 504(d) of the National Aeronautics and Space

Administration Authorization Act of 2010 (42 U.S.C. 18354(d)) is amended—

(1) in paragraph (1), in the first sentence—

(A) by striking ''As soon as practicable'' and all that follows through ''2011,'' and inserting ''The''; and

(B) by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(2) in paragraph (2), in the third sentence, by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(d) MAINTENANCE OF USE.—

(1) IN GENERAL.—Section 70907 of title 51, United States Code, is amended—

(A) in the section heading, by striking ''**2024**'' and inserting ''**2030**'';

(B) in subsection (a), by striking ''September 30, 2024'' and inserting ''September 30, 2030''; and

(C) in subsection (b)(3), by striking ''September 30, 2024'' and inserting ''September 30, 2030''.

(e) TRANSITION PLAN REPORTS.—Section 50111(c)(2) of title 51, United States Code is amended—

(1) in the matter preceding subparagraph (A), by striking ''2023'' and inserting ''2028''; and

(2) in subparagraph (J), by striking ''2028'' and inserting ''2030''.

(f) ELIMINATION OF INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.—Section 70906 of title 51, United States Code, is repealed.

(g) CONFORMING AMENDMENTS.—Chapter 709 of title 51, United States Code, is amended—

(1) by redesignating section 70907 as section 70906; and

(2) in the table of sections for the chapter, by striking the items relating to sections 70906 and 70907 and inserting the following:

''70906. Maintaining use through at least 2030.''.

SEC. 210. DEPARTMENT OF DEFENSE ACTIVITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) identify and review each activity, program, and project of the Department of Defense completed, being carried out, or planned to be carried out on the ISS as of the date of the review; and

(2) provide to the appropriate committees of Congress a briefing that describes the results of the review.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 211. COMMERCIAL DEVELOPMENT IN LOW-EARTH ORBIT.

(a) STATEMENT OF POLICY.—It is the policy of the United States to encourage the development of a thriving and robust United States commercial sector in low-Earth orbit.

(b) PREFERENCE FOR UNITED STATES COMMERCIAL PRODUCTS AND SERVICES.—The Administrator shall continue to increase the use of assets, products, and services of private entities in the United States to fulfill the low-Earth orbit requirements of the Administration.

(c) NONCOMPETITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not offer to a foreign person or a foreign government a spaceflight product or service relating to the ISS, if a comparable spaceflight product or service, as applicable, is offered by a private entity in the United States.

(2) EXCEPTION.—The Administrator may offer a spaceflight product or service relating to the ISS to the government of a country that is a signatory to the Agreement Among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of the Russian Federation, and the Government of the United States of America Concerning Cooperation on the Civil International Space Station, signed at Washington January 29, 1998, and entered into force on March 27, 2001 (TIAS 12927), including an international partner astronaut (as defined in section 50902 of title 51, United States Code) that is sponsored by the government of such a country.

(d) SHORT-DURATION COMMERCIAL MISSIONS.—To provide opportunities for additional transport of astronauts to the ISS and help establish a commercial market in low-Earth orbit, the Administrator may permit short-duration missions to the ISS for commercial passengers on a fully or partially reimbursable basis.

(e) PROGRAM AUTHORIZATION.—

(1) ESTABLISHMENT.—The Administrator shall establish a low-Earth orbit commercial development program to encourage the fullest commercial use and development of space by private entities in the United States.

(2) ELEMENTS.—The program established under paragraph (1) shall, to the maximum extent practicable, include activities—

(A) to stimulate demand for—

(i) space-based commercial research, development, and manufacturing;

(ii) spaceflight products and services; and

(iii) human spaceflight products and services in low-Earth orbit;

(B) to improve the capability of the ISS to accommodate commercial users; and

(C) subject to paragraph (3), to foster the development of commercial space stations and habitats.

(3) COMMERCIAL SPACE STATIONS AND HABITATS.—

(A) PRIORITY.—With respect to an activity to develop a commercial space station or habitat, the Administrator shall give priority to an activity for which a private entity provides a significant share of the cost to develop and operate the activity.

(B) REPORT.—Not later than 30 days after the date that an award or agreement is made to carry out an activity to develop a commercial space station or habitat, the Administrator shall submit to the appropriate committees of Congress a report on the development of the commercial space station or habitat, as applicable, that includes—

(i) a business plan that describes the manner in which the project will—

(I) meet the future requirements of NASA for low-Earth orbit human space-flight services; and

(II) fulfill the cost-share funding prioritization under subparagraph (A); and

(ii) a review of the viability of the operational business case, including—

(I) the level of expected Government participation;

(II) a list of anticipated nongovernmental an international customers and associated contributions; and

(III) an assessment of long-term sustainability for the nongovernmental customers, including an independent assessment of the viability of the market for such commercial services or products.

SEC. 212. MAINTAINING A NATIONAL LABORATORY IN SPACE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States segment of the International Space Station (as defined in section 70905 of title 51, United States Code), which is designated as a national laboratory under section 70905(b) of title 51, United States Code—

(A) benefits the scientific community and promotes commerce in space;

(B) fosters stronger relationships among NASA and other Federal agencies, the private sector, and research groups and universities;

(C) advances science, technology, engineering, and mathematics education through use of the unique microgravity environment; and

(D) advances human knowledge and international cooperation;

(2) after the ISS is decommissioned, the United States should maintain a national microgravity laboratory in space;

(3) in maintaining a national microgravity laboratory in space, the United States should make appropriate accommodations for different types of ownership and operation arrangements for the ISS and future space stations;

(4) to the maximum extent practicable, a national microgravity laboratory in space should be maintained in cooperation with international space partners; and

(5) NASA should continue to support fundamental science research on future platforms in low-Earth orbit and cislunar space, orbital and suborbital flights, drop towers, and other microgravity testing environments.

(b) REPORT.—The Administrator, in coordination with the National Space Council and other Federal agencies as the Administrator considers appropriate, shall issue a report detailing the feasibility of establishing a microgravity national laboratory federally funded research and development center to carry out activities relating to the study and use of in-space conditions.

SEC. 213. INTERNATIONAL SPACE STATION NATIONAL LABORATORY; PROPERTY RIGHTS IN INVENTIONS.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

''§ 20150. Property rights in designated inventions

''(a) EXCLUSIVE PROPERTY RIGHTS.—Notwithstanding section 3710a of title 15, chapter 18 of title 35, section 20135, or any other provision of law, a designated invention shall be the exclusive property of a user, and shall not be subject to a Government-purpose license, if—

''(1)(A) the Administration is reimbursed under the terms of the contract for the full cost of a contribution by the Federal Government of the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d));

''(B) Federal funds are not transferred to the user under the contract; and

''(C) the designated invention was made (as defined in section 20135(a))—

''(i) solely by the user; or

''(ii)(I) by the user with the services of a Federal employee under the terms of the contract; and

''(II) the Administration is reimbursed for such services under subparagraph (B); or

''(2) the Administrator determines that the relevant field of commercial endeavor is sufficiently immature that granting exclusive property rights to the user is necessary to help bolster demand for products and services produced on crewed or crew-tended space stations.

''(b) NOTIFICATION TO CONGRESS.—On completion of a determination made under paragraph (2), the Administrator shall submit to the appropriate committees of Congress a notification of the determination that includes a written justification.

''(c) PUBLIC AVAILABILITY.—A determination or part of such determination under paragraph (1) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act').

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the rights of the Federal Government, including property rights in inventions, under any contract, except in the case of a written contract with the Administration or the ISS management entity for the performance of a designated activity.

''(e) DEFINITIONS.—In this section—

''(1) CONTRACT.—The term 'contract' has the meaning giving the term in section 20135(a).

''(2) DESIGNATED ACTIVITY.—The term 'designated activity' means any non-NASA scientific use of the ISS national laboratory as described in section 504 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354).

''(3) DESIGNATED INVENTION.—The term 'designated invention' means any invention, product, or service conceived or first reduced to practice by any person in the performance of a designated activity under a written contract with the Administration or the ISS management entity.

''(4) FULL COST.—The term 'full cost' means the cost of transporting materials or passengers to and from the ISS, including any power needs, the disposal of mass, crew member time, stowage, power on the ISS, data downlink, crew consumables, and life support.

''(5) GOVERNMENT-PURPOSE LICENSE.—The term 'Government-purpose license' means the reservation by the Federal Government of an irrevocable, nonexclusive, nontransferable, royalty-free license for the use of an invention throughout the world by or on behalf of the United States or any foreign government pursuant to a treaty or agreement with the United States.

''(6) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' means the organization with which the Administrator enters into a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

''(7) USER.—The term 'user' means a person, including a nonprofit organization or small business firm (as such terms are defined in section 201 of title 35), or class of persons that enters into a written contract with the Administration or the ISS management entity for the performance of designated activities.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20149 the following:

''20150. Property rights in designated inventions.''.

SEC. 214. DATA FIRST PRODUCED DURING NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.

(a) DATA RIGHTS.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 213, is further amended by adding at the end the following:

''§ 20151. Data rights

''(a) NON-NASA SCIENTIFIC USE OF THE ISS NATIONAL LABORATORY.—The Federal Government may not use or reproduce, or disclose outside of the Government, any data first produced in the performance of a designated activity under a written contract with the Administration or the ISS management entity, unless—

''(1) otherwise agreed under the terms of the contract with the Administration or the ISS management entity, as applicable;

''(2) the designated activity is carried out with Federal funds;

''(3) disclosure is required by law;

''(4) the Federal Government has rights in the data under another Federal contract, grant, cooperative agreement, or other transaction; or

''(5) the data is—

''(A) otherwise lawfully acquired or independently developed by the Federal Government;

''(B) related to the health and safety of personnel on the ISS; or

''(C) essential to the performance of work by the ISS management entity or NASA personnel.

''(b) DEFINITIONS.—In this section:

''(1) CONTRACT.—The term 'contract' has the meaning given the term under section 20135(a).

''(2) DATA.—

''(A) IN GENERAL.—The term 'data' means recorded information, regardless of form or the media on which it may be recorded.

''(B) INCLUSIONS.—The term 'data' includes technical data and computer software.

''(C) EXCLUSIONS.—The term 'data' does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

''(3) DESIGNATED ACTIVITY.—The term 'designated activity' has the meaning given the term in section 20150.

''(4) ISS MANAGEMENT ENTITY.—The term 'ISS management entity' has the meaning given the term in section 20150.''.

(b) SPECIAL HANDLING OF TRADE SECRETS OR CONFIDENTIAL INFORMATION.—Section 20131(b)(2) of title 51, United States Code, is amended to read as follows:

''(2) INFORMATION DESCRIBED.—

''(A) ACTIVITIES UNDER AGREEMENT.—Information referred to in paragraph (1) is information that—

''(i) results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113; and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

''(B) CERTAIN DATA.—Information referred to in paragraph (1) includes data (as defined in section 20151) that—

''(i) was first produced by the Administration in the performance of any designated activity (as defined in section 20150); and

''(ii) would be a trade secret or commercial or financial information that is privileged or confidential within the meaning of section 552(b)(4) of title 5 if the data had been obtained from a non-Federal party.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section 213, is further amended by inserting after the item relating to section 20150 the following:

''20151. Data rights.''.

SEC. 215. PAYMENTS RECEIVED FOR COMMERCIAL SPACE-ENABLED PRODUCTION ON THE ISS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administrator should determine a threshold for NASA to recover the costs of supporting the commercial development of products or services aboard the ISS, through the negotiation of agreements, similar to agreements made by other Federal agencies that support private sector innovation; and

(2) the amount of such costs that to be recovered or profits collected through such agreements should be applied by the Administrator through a tiered process, taking into consideration the relative maturity and profitability of the applicable product or service.

(b) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 214, is further amended by adding at the end the following:

''§ 20152. Payments received for commercial space-enable production

''(a) ANNUAL REVIEW.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this section, and annually thereafter, the Administrator shall review the profitability of any partnership with a private entity under a contract in which the Administrator—

''(A) permits the use of the ISS by such private entities to produce a commercial product or service; and

''(B) provides the total unreimbursed cost of a contribution by the Federal Government for the use of Federal facilities, equipment, materials, proprietary information of the Federal Government, or services of a Federal employee during working hours, including the cost for the Administration to carry out its responsibilities under paragraphs (1) and (4) of section 504(d) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(d)).

''(2) NEGOTIATION OF REIMBURSEMENTS.—Subject to the review described in paragraph (1), the Administrator shall seek to enter into an agreement to negotiate reimbursements for payments received, or portions of profits created, by any mature, profitable private entity described in that paragraph, as appropriate, through a tiered process that reflects the profitability of the relevant product or service.

''(3) USE OF FUNDS.—Amounts received by the Administrator in accordance with an agreement under paragraph (2) shall be used by the Administrator in the following order of priority:

''(A) To defray the operating cost of the ISS.

''(B) To develop, implement, or operate future low-Earth orbit platforms or capabilities.

''(C) To develop, implement, or operate future human deep space platforms or capabilities.

''(D) Any other costs the Administrator considers appropriate.

''(4) REPORT.—On completion of the first annual review under paragraph (1), and annually thereafter, the Administrator shall submit to the appropriate committees of Congress a report that includes a description of the results of the annual review, any agreement entered into under this section, and the amounts recouped or obtained under any such agreement.

''(b) LICENSING AND ASSIGNMENT OF INVENTIONS.—Notwithstanding sections 3710a and 3710c of title 15 and any other provision of law, after payment in accordance with subsection (A)(i) of such section 3710c(a)(1)(A)(i) to the inventors who have directly assigned to the Federal Government their interests in an invention under a written contract with the Administration or the ISS management entity for the performance of a designated activity, the balance of any royalty or other payment received by the Administrator or the ISS management entity from licensing and assignment of such invention shall be paid by the Administrator or the ISS management entity, as applicable, to the Space Exploration Fund.

''(c) SPACE EXPLORATION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'Space Exploration Fund' (referred to in this subsection as the 'Fund'), to be administered by the Administrator.

''(2) USE OF FUND.—The Fund shall be available to carry out activities described in subsection (a)(3).

''(3) DEPOSITS.—There shall be deposited in the Fund—

''(A) amounts appropriated to the Fund;

''(B) fees and royalties collected by the Administrator or the ISS management entity under subsections (a) and (b); and

''(C) donations or contributions designated to support authorized activities.

''(4) RULE OF CONSTRUCTION.—Amounts available to the Administrator under this subsection shall be—

''(A) in addition to amounts otherwise made available for the purpose described in paragraph (2); and

''(B) available for a period of 5 years, to the extent and in the amounts provided in annual appropriation Acts.

''(d) DEFINITIONS.—

''(1) IN GENERAL.—In this section, any term used in this section that is also used in section 20150 shall have the meaning given the term in that section.

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

''(B) the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 201 of title 51, United States Code, as amended by section and 214, is further amended by inserting after the item relating to section 20151 the following:

''20152. Payments received for commercial space-enabled production.''.

SEC. 216. STEPPING STONE APPROACH TO EXPLORATION.

(a) IN GENERAL.—Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—The Administrator, in sustainable steps, may conduct missions to intermediate destinations, such as the Moon, in accordance with section 20302(b), and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)), if the Administrator—

''(1) determines that each such mission demonstrates or advances a technology or operational concept that will enable human missions to Mars; and

''(2) incorporates each such mission into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note).

''(b) CISLUNAR SPACE EXPLORATION ACTIVITIES.—In conducting a mission under subsection (a), the Administrator shall—

''(1) use a combination of launches of the Space Launch System and space transportation services from United States commercial providers, as appropriate, for the mission;

''(2) plan for not fewer than 1 Space Launch System launch annually beginning after the first successful crewed launch of Orion on the Space Launch System; and

''(3) establish an outpost in orbit around the Moon that—

''(A) demonstrates technologies, systems, and operational concepts directly applicable to the space vehicle that will be used to transport humans to Mars;

''(B) has the capability for periodic human habitation; and

''(C) can function as a point of departure, return, or staging for Administration or nongovernmental or international partner missions to multiple locations on the lunar surface or other destinations.

''(c) COST-EFFECTIVENESS.—To maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging nongovernmental and international partners, to ensure that activities in the Administration's human space exploration program are balanced in order to help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(d) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delay.

''(e) INTERNATIONAL PARTICIPATION.—To achieve the goal of successfully conducting a crewed mission to the surface of Mars, the Administrator shall invite the partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

(b) DEFINITION OF CISLUNAR SPACE.—Section 10101 of title 51, United States Code, is amended by adding at the end the following:

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Commerce, Science, and Transportation of the Senate; and

''(B) the Committee on Science, Space, and Technology of the House of Representatives.

''(3) CISLUNAR SPACE.—The term 'cislunar space' means the region of space beyond low-Earth orbit out to and including the region around the surface of the Moon.''.

SEC. 217. TECHNICAL AMENDMENTS RELATING TO ARTEMIS MISSIONS.

(a) Section 421 of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20301 note) is amended—

(1) in subsection (c)(3)—

(A) by striking ''EM–1'' and inserting ''Artemis I'';

(B) by striking ''EM–2'' and inserting ''Artemis II''; and

(C) by striking ''EM–3'' and inserting ''Artemis III''; and

(2) in subsection (f)(3), by striking ''EM–3'' and inserting ''Artemis III''.

(b) Section 432(b) of the National Aeronautics and Space Administration Authorization Act of 2017 (Public Law 115–10; 51 U.S.C. 20302 note) is amended—

(1) in paragraph (3)(D)—

(A) by striking ''EM–1'' and inserting ''Artemis I''; and

(B) by striking ''EM–2'' and inserting ''Artemis II''; and

(2) in paragraph (4)(C), by striking ''EM–3'' and inserting ''Artemis III''.

TITLE III—SCIENCE

SEC. 301. SCIENCE PRIORITIES.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the decadal surveys of the National Academies of Sciences, Engineering, and Medicine.

(b) NATIONAL ACADEMIES DECADAL SURVEYS.—Section 20305(c) of title 51, United States Code, is amended—

(1) by striking ''The Administrator shall'' and inserting the following:

''(1) REEXAMINATION OF PRIORITIES BY NATIONAL ACADEMIES.—The Administrator shall''; and

(2) by adding at the end the following:

''(2) REEXAMINATION OF PRIORITIES BY ADMINISTRATOR.—If the Administrator decides to reexamine the applicability of the priorities of the decadal surveys to the missions and activities of the Administration due to scientific discoveries or external factors, the Administrator shall consult with the relevant committees of the National Academies.''.

SEC. 302. LUNAR DISCOVERY PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to conduct lunar science research, including missions to the surface of the Moon, that materially contributes to the objective described in section 20102(d)(1) of title 51, United States Code.

(b) COMMERCIAL LANDERS.—In carrying out the program under subsection (a), the Administrator shall procure the services of commercial landers developed primarily by United States industry to land science payloads of all classes on the lunar surface.

(c) LUNAR SCIENCE RESEARCH.—The Administrator shall ensure that lunar science research carried out under subsection (a) is consistent with recommendations made by the National Academies of Sciences, Engineering, and Medicine.

(d) LUNAR POLAR VOLATILES.—In carrying out the program under subsection (a), the Administrator shall, at the earliest opportunity, consider mission proposals to evaluate the potential of lunar polar volatiles to contribute to sustainable lunar exploration.

SEC. 303. SEARCH FOR LIFE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the report entitled ''An Astrobiology Strategy for the Search for Life in the Universe'' published by the National Academies of Sciences, Engineering, and Medicine outlines the key scientific questions and methods for fulfilling the objective of NASA to search for the origin, evolution, distribution, and future of life in the universe; and

(2) the interaction of lifeforms with their environment, a central focus of astrobiology research, is a topic of broad significance to life sciences research in space and on Earth.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—The Administrator shall continue to implement a collaborative, multidisciplinary science and technology development program to search for proof of the existence or historical existence of life beyond Earth in support of the objective described in section 20102(d)(10) of title 51, United States Code.

(2) ELEMENT.—The program under paragraph (1) shall include activities relating to astronomy, biology, geology, and planetary science.

(3) COORDINATION WITH LIFE SCIENCES PROGRAM.—In carrying out the program under paragraph (1), the Administrator shall coordinate efforts with the life sciences program of the Administration.

(4) TECHNOSIGNATURES.—In carrying out the program under paragraph (1), the Administrator shall support activities to search for and analyze technosignatures.

(5) INSTRUMENTATION AND SENSOR TECHNOLOGY.—In carrying out the program under paragraph (1), the Administrator may strategically invest in the development of new instrumentation and sensor technology.

SEC. 304. JAMES WEBB SPACE TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the James Webb Space Telescope will be the next premier observatory in space and has great potential to further scientific study and assist scientists in making new discoveries in the field of astronomy;

(2) the James Webb Space Telescope was developed as an ambitious project with a scope that was not fully defined at inception and with risk that was not fully known or understood;

(3) despite the major technology development and innovation that was needed to construct the James Webb Space Telescope, major negative impacts to the cost and schedule of the James Webb Space Telescope resulted from poor program management and poor contractor performance;

(4) the Administrator should take into account the lessons learned from the cost and schedule issues relating to the development of the James Webb Space Telescope in making decisions regarding the scope of and the technologies needed for future scientific missions; and

(5) in selecting future scientific missions, the Administrator should take into account the impact that large programs that overrun cost and schedule estimates may have on other NASA programs in earlier phases of development.

(b) PROJECT CONTINUATION.—The Administrator shall continue—

(1) to closely track the cost and schedule performance of the James Webb Space Telescope project; and

(2) to improve the reliability of cost estimates and contractor performance data throughout the remaining development of the James Webb Space Telescope.

(c) REVISED ESTIMATE.—Due to delays to the James Webb Space Telescope project resulting from the COVID–19 pandemic, the Administrator shall provide to Congress—

(1) an estimate of any increase to program development costs, if such costs are anticipated to exceed $8,802,700,000; and

(2) an estimate for a revised launch date.

SEC. 305. WIDE-FIELD INFRARED SURVEY TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) major growth in the cost of astrophysics flagship-class missions has impacted the overall portfolio balance of the Science Mission Directorate; and

(2) the Administrator should continue to develop the Wide-Field Infrared Survey Telescope with a development cost of not more than $3,200,000,000.

(b) PROJECT CONTINUATION.—The Administrator shall continue to develop the Wide-Field Infrared Survey Telescope to meet the objectives outlined in the 2010 decadal survey on astronomy and astrophysics of the National Academies of Sciences, Engineering, and Medicine in a manner that maximizes scientific productivity based on the resources invested.

SEC. 306. STUDY ON SATELLITE SERVICING FOR SCIENCE MISSIONS.

(a) IN GENERAL.—The Administrator shall conduct a study on the feasibility of using in-space robotic refueling, repair, or refurbishment capabilities to extend the useful life of telescopes and other science missions that are operational or in development as of the date of the enactment of this Act.

(b) ELEMENTS.—The study conducted under subsection (a) shall include the following:

(1) An identification of the technologies and in-space testing required to demonstrate the in-space robotic refueling, repair, or refurbishment capabilities described in that subsection.

(2) The projected cost of using such capabilities, including the cost of extended operations for science missions described in that subsection.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a briefing on the results of the study conducted under subsection (a).

(d) PUBLIC AVAILABILITY.—Not later than 30 days after the Administrator provides the briefing under subsection (c), the Administrator shall make the study conducted under subsection (a) available to the public.

SEC. 307. EARTH SCIENCE MISSIONS AND PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Earth Science Division of NASA plays an important role in national efforts—

(1) to collect and use Earth observations in service to society; and

(2) to understand global change.

(b) EARTH SCIENCE MISSIONS AND PROGRAMS.—With respect to the missions and programs of the Earth Science Division, the Administrator shall, to the maximum extent practicable, follow the recommendations and guidance provided by the scientific community through the decadal survey for Earth science and applications from space of the National Academies of Sciences, Engineering, and Medicine, including—

(1) the science priorities described in such survey;

(2) the execution of the series of existing or previously planned observations (commonly known as the ''program of record''); and

(3) the development of a range of missions of all classes, including opportunities for principal investigator-led, competitively selected missions.

SEC. 308. LIFE SCIENCE AND PHYSICAL SCIENCE RESEARCH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the 2011 decadal survey on biological and physical sciences in space identifies—

(A) many areas in which fundamental scientific research is needed to efficiently advance the range of human activities in space, from the first stages of exploration to eventual economic development; and

(B) many areas of basic and applied scientific research that could use the microgravity, radiation, and other aspects of the spaceflight environment to answer fundamental scientific questions;

(2) given the central role of life science and physical science research in developing the future of space exploration, NASA should continue to invest strategically in such research to maintain United States leadership in space exploration; and

(3) such research remains important to the objectives of NASA with respect to long-duration deep space human exploration to the Moon and Mars.

(b) PROGRAM CONTINUATION.—

(1) IN GENERAL.—In support of the goals described in section 20302 of title 51, United States Code, the Administrator shall continue to implement a collaborative, multidisciplinary life science and physical science fundamental research program—

(A) to build a scientific foundation for the exploration and development of space;

(B) to investigate the mechanisms of changes to biological systems and physical systems, and the environments of those systems in space, including the effects of long-duration exposure to deep space-related environmental factors on those systems;

(C) to understand the effects of combined deep space radiation and altered gravity levels on biological systems so as to inform the development and testing of potential countermeasures;

(D) to understand physical phenomena in reduced gravity that affect design and performance of enabling technologies necessary for the space exploration program;

(E) to provide scientific opportunities to educate, train, and develop the next generation of researchers and engineers; and

(F) to provide state-of-the-art data repositories and curation of large multi-data sets to enable comparative research analyses.

(2) ELEMENTS.—The program under paragraph (1) shall—

(A) include fundamental research relating to life science, space bioscience, and physical science; and

(B) maximize intra-agency and interagency partnerships to advance space exploration, scientific knowledge, and benefits to Earth.

(3) USE OF FACILITIES.—In carrying out the program under paragraph (1), the Administrator may use ground-based, air-based, and space-based facilities in low-Earth orbit and beyond low-Earth orbit.

SEC. 309. SCIENCE MISSIONS TO MARS.

(a) IN GENERAL.—The Administrator shall conduct 1 or more science missions to Mars to enable the selection of 1 or more sites for human landing.

(b) SAMPLE PROGRAM.—The Administrator may carry out a program—

(1) to collect samples from the surface of Mars; and

(2) to return such samples to Earth for scientific analysis.

(c) USE OF EXISTING CAPABILITIES AND ASSETS.—In carrying out this section, the Administrator shall, to the maximum extent practicable, use existing capabilities and assets of NASA centers.

SEC. 310. PLANETARY DEFENSE COORDINATION OFFICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Near-Earth objects remain a threat to the United States.

(2) Section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) established a requirement that the Administrator plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth, with the goal of 90-percent completion of the catalogue of such near-Earth objects by December 30, 2020.

(3) The current planetary defense strategy of NASA acknowledges that such goal will not be met.

(4) The report of the National Academies of Sciences, Engineering, and Medicine entitled ''Finding Hazardous Asteroids Using Infrared and Visible Wavelength Telescopes'' issued in 2019 states that—

(A) NASA cannot accomplish such goal with currently available assets;

(B) NASA should develop and launch a dedicated space-based infrared survey telescope to meet the requirements of section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.); and

(C) the early detection of potentially hazardous near-Earth objects enabled by a space-based infrared survey telescope is important to enable deflection of a dangerous asteroid.

(b) ESTABLISHMENT OF PLANETARY DEFENSE COORDINATION OFFICE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall establish an office within the Planetary Science Division of the Science Mission Directorate, to be known as the ''Planetary Defense Coordination Office'', to plan, develop, and implement a program to survey threats posed by near-Earth objects equal to or greater than 140 meters in diameter, as required by section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(2) ACTIVITIES.—The Administrator shall—

(A) develop and, not later than September 30, 2025, launch a space-based infrared survey telescope that is capable of detecting near-Earth objects equal to or greater than 140 meters in diameter, with preference given to planetary missions selected by the Administrator as of the date of the enactment of this Act to pursue concept design studies relating to the development of a space-based infrared survey telescope;

(B) identify, track, and characterize potentially hazardous near-Earth objects and issue warnings of the effects of potential impacts of such objects; and

(C) assist in coordinating Government planning for response to a potential impact of a near-Earth object.

(c) ANNUAL REPORT.—Section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.) is amended to read as follows:

''(f) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020, and annually thereafter through 90-percent completion of the catalogue required by subsection (d)(1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the following:

''(1) A summary of all activities carried out by the Planetary Defense Coordination Office established under section 310(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2020 since the date of enactment of that Act.

''(2) A description of the progress with respect to the design, development, and launch of the space-based infrared survey telescope required by section 310(b)(2)(A) of the National Aeronautics and Space Administration Authorization Act of 2020.

''(3) An assessment of the progress toward meeting the requirements of subsection (d)(1).

''(4) A description of the status of efforts to coordinate planetary defense activities in response to a threat posed by a near-Earth object with other Federal agencies since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2020.

''(5) A description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(6) A summary of expenditures for all activities carried out by the Planetary Defense Coordination Office since the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2020.''.

(d) LIMITATION ON USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act for a fiscal year may be obligated or expended for the Office of the Administrator during the last 3 months of that fiscal year unless the Administrator submits the report for that fiscal year required by section 321(f) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2922; 51 U.S.C. 71101 note prec.).

(e) NEAR-EARTH OBJECT DEFINED.—In this section, the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

SEC. 311. SUBORBITAL SCIENCE FLIGHTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that commercially available suborbital flight platforms enable low-cost access to a microgravity environment to advance science and train scientists and engineers under the Suborbital Research Program established under section 802(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18382(c)).

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report evaluating the manner in which suborbital flight platforms can contribute to meeting the science objectives of NASA for the Science Mission Directorate and the Human Exploration and Operations Mission Directorate.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the advantages of suborbital flight platforms to meet science objectives.

(B) An evaluation of the challenges to greater use of commercial suborbital flight platforms for science purposes.

(C) An analysis of whether commercial suborbital flight platforms can provide low-cost flight opportunities to test lunar and Mars science payloads.

SEC. 312. EARTH SCIENCE DATA AND OBSERVATIONS.

(a) IN GENERAL.—The Administrator shall to the maximum extent practicable, make available to the public in an easily accessible electronic database all data (including metadata, documentation, models, data processing methods, images, and research results) of the missions and programs of the Earth Science Division of the Administration, or any successor division.

(b) OPEN DATA PROGRAM.—In carrying out subsection (a), the Administrator shall establish and continue to operate an open data program that—

(1) is consistent with the greatest degree of interactivity, interoperability, and accessibility; and

(2) enables outside communities, including the research and applications community, private industry, academia, and the general public, to effectively collaborate in areas important to—

(A) studying the Earth system and improving the prediction of Earth system change; and

(B) improving model development, data assimilation techniques, systems architecture integration, and computational efficiencies; and

(3) meets basic end-user requirements for running on public computers and networks located outside of secure Administration information and technology systems.

(c) HOSTING.—The program under subsection (b) shall use, as appropriate and cost-effective, innovative strategies and methods for hosting and management of part or all of the program, including cloud-based computing capabilities.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted to require the Administrator to release classified, proprietary, or otherwise restricted information that would be harmful to the national security of the United States.

SEC. 313. SENSE OF CONGRESS ON SMALL SATELLITE SCIENCE.

It is the sense of Congress that—

(1) small satellites—

(A) are increasingly robust, effective, and affordable platforms for carrying out space science missions;

(B) can work in tandem with or augment larger NASA spacecraft to support high-priority science missions of NASA; and

(C) are cost effective solutions that may allow NASA to continue collecting legacy observations while developing next-generation science missions; and

(2) NASA should continue to support small satellite research, development, technologies, and programs, including technologies for compact and lightweight instrumentation for small satellites.

SEC. 314. SENSE OF CONGRESS ON COMMERCIAL SPACE SERVICES.

It is the sense of Congress that—

(1) the Administration should explore partnerships with the commercial space industry for space science missions in and beyond Earth orbit, including partnerships relating to payload and instrument hosting and commercially available datasets; and

(2) such partnerships could result in increased mission cadence, technology advancement, and cost savings for the Administration.

SEC. 315. PROCEDURES FOR IDENTIFYING AND ADDRESSING ALLEGED VIOLATIONS OF SCIENTIFIC INTEGRITY POLICY.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop and document procedures for identifying and addressing alleged violations of the scientific integrity policy of NASA.

TITLE IV—AERONAUTICS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Aeronautics Innovation Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) AERONAUTICS STRATEGIC IMPLEMENTATION PLAN.—The term ''Aeronautics Strategic Implementation Plan'' means the Aeronautics Strategic Implementation Plan issued by the Aeronautics Research Mission Directorate.

(2) UNMANNED AIRCRAFT; UNMANNED AIRCRAFT SYSTEM.—The terms ''unmanned aircraft'' and ''unmanned aircraft system'' have the meanings given those terms in section 44801 of title 49, United States Code.

(3) X-PLANE.—The term ''X-plane'' means an experimental aircraft that is—

(A) used to test and evaluate a new technology or aerodynamic concept; and

(B) operated by NASA or the Department of Defense.

SEC. 403. EXPERIMENTAL AIRCRAFT PROJECTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) developing high-risk, precompetitive aerospace technologies for which there is not yet a profit rationale is a fundamental role of NASA;

(2) large-scale piloted flight test experimentation and validation are necessary for—

(A) transitioning new technologies and materials, including associated manufacturing processes, for general aviation, commercial aviation, and military aeronautics use; and

(B) capturing the full extent of benefits from investments made by the Aeronautics Research Mission Directorate in priority programs called for in—

(i) the National Aeronautics Research and Development Plan issued by the National Science and Technology Council in February 2010;

(ii) the NASA 2014 Strategic Plan;

(iii) the Aeronautics Strategic Implementation Plan; and

(iv) any updates to the programs called for in the plans described in clauses (i) through (iii);

(3) a level of funding that adequately supports large-scale piloted flight test experimentation and validation, including related infrastructure, should be ensured over a sustained period of time to restore the capacity of NASA—

(A) to see legacy priority programs through to completion; and

(B) to achieve national economic and security objectives; and

(4) NASA should not be directly involved in the Type Certification of aircraft for current and future scheduled commercial air service under part 121 or 135 of title 14, Code of Federal Regulations, that would result in reductions in crew augmentation or single pilot or autonomously operated aircraft.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maintain world leadership in—

(A) military and civilian aeronautical science and technology;

(B) global air power projection; and

(C) aerospace industrialization; and

(2) to maintain as a fundamental objective of NASA aeronautics research the steady progression and expansion of flight research and capabilities, including the science and technology of critical underlying disciplines and competencies, such as—

(A) computational-based analytical and predictive tools and methodologies;

(B) aerothermodynamics;

(C) propulsion;

(D) advanced materials and manufacturing processes;

(E) high-temperature structures and materials; and

(F) guidance, navigation, and flight controls.

(c) ESTABLISHMENT AND CONTINUATION OF X-PLANE PROJECTS.—

(1) IN GENERAL.—The Administrator shall establish or continue to implement, in a manner that is consistent with the roadmap for supersonic aeronautics research and development required by section 604(b) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (Public Law 115–10; 131 Stat. 55), the following projects:

(A) A low-boom supersonic aircraft project to demonstrate supersonic aircraft designs and technologies that—

(i) reduce sonic boom noise; and

(ii) assist the Administrator of the Federal Aviation Administration in enabling—

(I) the safe commercial deployment of civil supersonic aircraft technology; and

(II) the safe and efficient operation of civil supersonic aircraft.

(B) A subsonic flight demonstrator aircraft project to advance high-aspect-ratio, thin-wing aircraft designs and to integrate propulsion, composites, and other technologies that enable significant increases in energy efficiency and reduced life-cycle emissions in the aviation system while reducing noise and emissions.

(C) A series of large-scale X-plane demonstrators that are—

(i) developed sequentially or in parallel; and

(ii) each based on a set of new configuration concepts or technologies determined by the Administrator to demonstrate—

(I) aircraft and propulsion concepts and technologies and related advances in alternative propulsion and energy; and

(II) flight propulsion concepts and technologies.

(2) ELEMENTS.—For each project under paragraph (1), the Administrator shall—

(A) include the development of X-planes and all necessary supporting flight test assets;

(B) pursue a robust technology maturation and flight test validation effort;

(C) improve necessary facilities, flight testing capabilities, and computational tools to support the project;

(D) award any primary contracts for design, procurement, and manufacturing to United States persons, consistent with international obligations and commitments;

(E) coordinate research and flight test demonstration activities with other Federal agencies and the United States aviation community, as the Administrator considers appropriate; and

(F) ensure that the project is aligned with the Aeronautics Strategic Implementation Plan and any updates to the Aeronautics Strategic Implementation Plan.

(3) UNITED STATES PERSON DEFINED.—In this subsection, the term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

(d) ADVANCED MATERIALS AND MANUFACTURING TECHNOLOGY PROGRAM.—

(1) IN GENERAL.—The Administrator may establish an advanced materials and manufacturing technology program—

(A) to develop—

(i) new materials, including composite and high-temperature materials, from base material formulation through full-scale structural validation and manufacture;

(ii) advanced materials and manufacturing processes, including additive manufacturing, to reduce the cost of manufacturing scale-up and certification for use in general aviation, commercial aviation, and military aeronautics; and

(iii) noninvasive or nondestructive techniques for testing or evaluating aviation and aeronautics structures, including for materials and manufacturing processes;

(B) to reduce the time it takes to design, industrialize, and certify advanced materials and manufacturing processes;

(C) to provide education and training opportunities for the aerospace workforce; and

(D) to address global cost and human capital competitiveness for United States aeronautical industries and technological leadership in advanced materials and manufacturing technology.

(2) ELEMENTS.—In carrying out a program under paragraph (1), the Administrator shall—

(A) build on work that was carried out by the Advanced Composites Project of NASA;

(B) partner with the private and academic sectors, such as members of the Advanced Composites Consortium of NASA, the Joint Advanced Materials and Structures Center of Excellence of the Federal Aviation Administration, the Manufacturing USA institutes of the Department of Commerce, and national laboratories, as the Administrator considers appropriate;

(C) provide a structure for managing intellectual property generated by the program based on or consistent with the structure established for the Advanced Composites Consortium of NASA;

(D) ensure adequate Federal cost share for applicable research; and

(E) coordinate with advanced manufacturing and composites initiatives in other mission directorates of NASA, as the Administrator considers appropriate.

(e) RESEARCH PARTNERSHIPS.—In carrying out the projects under subsection (c) and a program under subsection (d), the Administrator may engage in cooperative research programs with—

(1) academia; and

(2) commercial aviation and aerospace manufacturers.

SEC. 404. UNMANNED AIRCRAFT SYSTEMS.

(a) UNMANNED AIRCRAFT SYSTEMS OPERATION PROGRAM.—The Administrator shall—

(1) research and test capabilities and concepts, including unmanned aircraft systems communications, for integrating unmanned aircraft systems into the national airspace system;

(2) leverage the partnership NASA has with industry focused on the advancement of technologies for future air traffic management systems for unmanned aircraft systems; and

(3) continue to align the research and testing portfolio of NASA to inform the integration of unmanned aircraft systems into the national airspace system, consistent with public safety and national security objectives.

(b) SENSE OF CONGRESS ON COORDINATION WITH FEDERAL AVIATION ADMINISTRATION.—It is the sense of Congress that—

(1) NASA should continue—

(A) to coordinate with the Federal Aviation Administration on research on air traffic management systems for unmanned aircraft systems; and

(B) to assist the Federal Aviation Administration in the integration of air traffic management systems for unmanned aircraft systems into the national airspace system; and

(2) the test ranges (as defined in section 44801 of title 49, United States Code) should continue to be leveraged for research on—

(A) air traffic management systems for unmanned aircraft systems; and

(B) the integration of such systems into the national airspace system.

SEC. 405. 21ST CENTURY AERONAUTICS CAPABILITIES INITIATIVE.

(a) IN GENERAL.—The Administrator may establish an initiative, to be known as the ''21st Century Aeronautics Capabilities Initiative'', within the Construction and Environmental Compliance and Restoration Account, to ensure that NASA possesses the infrastructure and capabilities necessary to conduct proposed flight demonstration projects across the range of NASA aeronautics interests.

(b) ACTIVITIES.—In carrying out the 21st Century Aeronautics Capabilities Initiative, the Administrator may carry out the following activities:

(1) Any investments the Administrator considers necessary to upgrade and create facilities for civil and national security aeronautics research to support advancements in—

(A) long-term foundational science and technology;

(B) advanced aircraft systems;

(C) air traffic management systems;
(D) fuel efficiency;
(E) electric propulsion technologies;
(F) system-wide safety assurance;
(G) autonomous aviation; and
(H) supersonic and hypersonic aircraft design and development.

(2) Any measures the Administrator considers necessary to support flight testing activities, including—

(A) continuous refinement and development of free-flight test techniques and methodologies;

(B) upgrades and improvements to real-time tracking and data acquisition; and

(C) such other measures relating to aeronautics research support and modernization as the Administrator considers appropriate to carry out the scientific study of the problems of flight, with a view to practical solutions for such problems.

SEC. 406. SENSE OF CONGRESS ON ON-DEMAND AIR TRANSPORTATION.

It is the sense of Congress that—

(1) greater use of high-speed air transportation, small airports, helipads, vertical flight infrastructure, and other aviation-related infrastructure can alleviate surface transportation congestion and support economic growth within cities;

(2) with respect to urban air mobility and related concepts, NASA should continue—

(A) to conduct research focused on concepts, technologies, and design tools; and

(B) to support the evaluation of advanced technologies and operational concepts that can be leveraged by—

(i) industry to develop future vehicles and systems; and

(ii) the Federal Aviation Administration to support vehicle safety and operational certification; and

(3) NASA should leverage ongoing efforts to develop advanced technologies to actively support the research needed for on-demand air transportation.

SEC. 407. SENSE OF CONGRESS ON HYPERSONIC TECHNOLOGY RESEARCH.

It is the sense of Congress that—

(1) hypersonic technology is critical to the development of advanced high-speed aerospace vehicles for both civilian and national security purposes;

(2) for hypersonic vehicles to be realized, research is needed to overcome technical challenges, including in propulsion, advanced materials, and flight performance in a severe environment;

(3) NASA plays a critical role in supporting fundamental hypersonic research focused on system design, analysis and validation, and propulsion technologies;

(4) NASA research efforts in hypersonic technology should complement research supported by the Department of Defense to the maximum extent practicable, since contributions from both agencies working in partnership with universities and industry are necessary to overcome key technical challenges;

(5) previous coordinated research programs between NASA and the Department of Defense enabled important progress on hypersonic technology;

(6) the commercial sector could provide flight platforms and other capabilities that are able to host and support NASA hypersonic technology research projects; and

(7) in carrying out hypersonic technology research projects, the Administrator should—

(A) focus research and development efforts on high-speed propulsion systems, reusable vehicle technologies, high-temperature materials, and systems analysis;

(B) coordinate with the Department of Defense to prevent duplication of efforts and of investments;

(C) include partnerships with universities and industry to accomplish research goals; and

(D) maximize public-private use of commercially available platforms for hosting research and development flight projects.

TITLE V—SPACE TECHNOLOGY

SEC. 501. SPACE TECHNOLOGY MISSION DIRECTORATE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an independent Space Technology Mission Directorate is critical to ensuring continued investments in the development of technologies for missions across the portfolio of NASA, including science, aeronautics, and human exploration.

(b) SPACE TECHNOLOGY MISSION DIRECTORATE.—The Administrator shall maintain a Space Technology Mission Directorate consistent with section 702 of the National Aeronautics and Space Administration Transition Authorization Act of 2017 (51 U.S.C. 20301 note).

SEC. 502. FLIGHT OPPORTUNITIES PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as required by section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)), as amended by subsection (b).

(b) ESTABLISHMENT.—Section 907(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(c)) is amended to read as follows:

''(c) ESTABLISHMENT.—

''(1) IN GENERAL.—The Administrator shall establish a Commercial Reusable Suborbital Research Program within the Space Technology Mission Directorate to fund—

''(A) the development of payloads for scientific research, technology development, and education;

''(B) flight opportunities for those payloads to microgravity environments and suborbital altitudes; and

''(C) transition of those payloads to orbital opportunities.

''(2) COMMERCIAL REUSABLE VEHICLE FLIGHTS.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may fund engineering and integration demonstrations, proofs of concept, and educational experiments for flights of commercial reusable vehicles.

''(3) COMMERCIAL SUBORBITAL LAUNCH VEHICLES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator may not fund the development of new commercial suborbital launch vehicles.

''(4) WORKING WITH MISSION DIRECTORATES.—In carrying out the Commercial Reusable Suborbital Research Program, the Administrator shall work with the mission directorates of NASA to achieve the research, technology, and education goals of NASA.''.

(c) CONFORMING AMENDMENT.—Section 907(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405(b)) is amended, in the first sentence, by striking ''Commercial Reusable Suborbital Research Program in'' and inserting ''Commercial Reusable Suborbital Research Program established under subsection (c)(1) within''.

SEC. 503. SMALL SPACECRAFT TECHNOLOGY PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Small Spacecraft Technology Program is important for conducting science and technology validation for—

(1) short- and long-duration missions in low-Earth orbit;

(2) deep space missions; and

(3) deorbiting capabilities designed specifically for smaller spacecraft.

(b) ACCOMMODATION OF CERTAIN PAYLOADS.—In carrying out the Small Spacecraft Technology Program, the Administrator shall, as the mission risk posture and technology development objectives allow, accommodate science payloads that further the goal of long-term human exploration to the Moon and Mars.

SEC. 504. NUCLEAR PROPULSION TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that nuclear propulsion is critical to the development of advanced spacecraft for civilian and national defense purposes.

(b) DEVELOPMENT; STUDIES.—The Administrator shall, in coordination with the Secretary of Energy and the Secretary of Defense—

(1) continue to develop the fuel element design for NASA nuclear propulsion technology;

(2) undertake the systems feasibility studies for such technology; and

(3) partner with members of commercial industry to conduct studies on such technology.

(c) NUCLEAR PROPULSION TECHNOLOGY DEMONSTRATION.—

(1) DETERMINATION; REPORT.—Not later than December 31, 2021, the Administrator shall—

(A) determine the correct approach for conducting a flight demonstration of nuclear propulsion technology; and

(B) submit to Congress a report on a plan for such a demonstration.

(2) DEMONSTRATION.—Not later than December 31, 2026, the Administrator shall conduct the flight demonstration described in paragraph (1).

SEC. 505. MARS-FORWARD TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should pursue multiple technical paths for entry, descent, and landing for Mars, including competitively selected technology demonstration missions.

(b) PRIORITIZATION OF LONG-LEAD TECHNOLOGIES AND SYSTEMS.—The Administrator shall prioritize, within the Space Technology Mission Directorate, research, testing, and development of long-lead technologies and systems for Mars, including technologies and systems relating to—

(1) entry, descent, and landing; and

(2) in-space propulsion, including nuclear propulsion, cryogenic fluid management, in-situ large-scale additive manufacturing, and electric propulsion (including solar electric propulsion leveraging lessons learned from the power and propulsion element of the lunar outpost) options.

(c) TECHNOLOGY DEMONSTRATION.—The Administrator may use low-Earth orbit and cislunar missions, including missions to the lunar surface, to demonstrate technologies for Mars.

SEC. 506. PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) space technology, including nuclear propulsion technology and space surface power reactors, should be developed in a manner consistent with broader United States foreign policy, national defense, and space exploration and commercialization priorities;

(2) highly enriched uranium presents security and nuclear nonproliferation concerns;

(3) since 1977, based on the concerns associated with highly enriched uranium, the United States has promoted the use of low-enriched uranium over highly enriched uranium in nonmilitary contexts, including research and commercial applications;

(4) as part of United States efforts to limit international use of highly enriched uranium, the United States has actively pursued—

(A) since 1978, the conversion of domestic and foreign research reactors that use highly enriched uranium fuel to low-enriched uranium fuel and the avoidance of any new research reactors that use highly enriched uranium fuel; and

(B) since 1994, the elimination of international commerce in highly enriched uranium for civilian purposes; and

(5) the use of low-enriched uranium in place of highly enriched uranium has security, nonproliferation, and economic benefits, including for the national space program.

(b) PRIORITIZATION OF LOW-ENRICHED URANIUM TECHNOLOGY.—The Administrator shall—

(1) establish, within the Space Technology Mission Directorate, a program for the research, testing, and development of in-space reactor designs, including a surface power reactor, that uses low-enriched uranium fuel; and

(2) prioritize the research, demonstration, and deployment of such designs over designs using highly enriched uranium fuel.

(c) REPORT ON NUCLEAR TECHNOLOGY PRIORITIZATION.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) details the actions taken to implement subsection (b); and

(2) identifies a plan and timeline under which such subsection will be implemented.

(d) DEFINITIONS.—In this section:

(1) HIGHLY ENRICHED URANIUM.—The term ''highly enriched uranium'' means uranium having an assay of 20 percent or greater of the uranium-235 isotope.

(2) LOW-ENRICHED URANIUM.—The term ''low-enriched uranium'' means uranium having an assay greater than the assay for natural uranium but less than 20 percent of the uranium-235 isotope.

SEC. 507. SENSE OF CONGRESS ON NEXT-GENERATION COMMUNICATIONS TECHNOLOGY.

It is the sense of Congress that—

(1) optical communications technologies—

(A) will be critical to the development of next-generation space-based communications networks;

(B) have the potential to allow NASA to expand the volume of data transmissions in low-Earth orbit and deep space; and

(C) may provide more secure and cost-effective solutions than current radio frequency communications systems;

(2) quantum encryption technology has promising implications for the security of the satellite and terrestrial communications networks of the United States, including optical communications networks, and further research and development by NASA with respect to quantum encryption is essential to maintaining the security of the United States and United States leadership in space; and

(3) in order to provide NASA with more secure and reliable space-based communications, the Space Communications and Navigation program office of NASA should continue—

(A) to support research on and development of optical communications; and

(B) to develop quantum encryption capabilities, especially as those capabilities apply to optical communications networks.

SEC. 508. LUNAR SURFACE TECHNOLOGIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should—

(1) identify and develop the technologies needed to live on and explore the lunar surface and prepare for future operations on Mars;

(2) convene teams of experts from academia, industry, and government to shape the technology development priorities of the Administration for lunar surface exploration and habitation; and

(3) establish partnerships with researchers, universities, and the private sector to rapidly develop and deploy technologies required for successful lunar surface exploration.

(b) DEVELOPMENT AND DEMONSTRATION.—The Administrator shall carry out a program, within the Space Technology Mission Directorate, to conduct technology development and demonstrations to enable human and robotic exploration on the lunar surface.

(c) RESEARCH CONSORTIUM.—The Administrator shall establish a consortium consisting of experts from academia, industry, and government—

(1) to assist the Administrator in developing a cohesive, executable strategy for the development and deployment of technologies required for successful lunar surface exploration; and

(2) to identify specific technologies relating to lunar surface exploration that—

(A) should be developed to facilitate such exploration; or

(B) require future research and development.

(d) RESEARCH AWARDS.—

(1) IN GENERAL.—The Administrator may task any member of the research consortium established under subsection (c) with conducting research and development with respect to a technology identified under paragraph (2) of that subsection.

(2) STANDARD PROCESS FOR ARRANGEMENTS.—

(A) IN GENERAL.—The Administrator shall develop a standard process by which a consortium member tasked with research and development under paragraph (1) may enter into a formal arrangement with the Administrator to carry out such research and development, such as an arrangement under section 702 or 703.

(B) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the one or more types of arrangement the Administrator intends to enter into under this subsection.

TITLE VI—STEM ENGAGEMENT

SEC. 601. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) NASA serves as a source of inspiration to the people of the United States; and

(2) NASA is uniquely positioned to help increase student interest in science, technology, engineering, and math;

(3) engaging students, and providing hands-on experience at an early age, in science, technology, engineering, and math are important aspects of ensuring and promoting United States leadership in innovation; and

(4) NASA should strive to leverage its unique position—

(A) to increase kindergarten through grade 12 involvement in NASA projects;

(B) to enhance higher education in STEM fields in the United States;

(C) to support individuals who are underrepresented in science, technology, engineering, and math fields, such as women, minorities, and individuals in rural areas; and

(D) to provide flight opportunities for student experiments and investigations.

SEC. 602. STEM EDUCATION ENGAGEMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator shall continue to provide opportunities for formal and informal STEM education engagement activities within the Office of NASA STEM Engagement and other NASA directorates, including—

(1) the Established Program to Stimulate Competitive Research;

(2) the Minority University Research and Education Project; and

(3) the National Space Grant College and Fellowship Program.

(b) LEVERAGING NASA NATIONAL PROGRAMS TO PROMOTE STEM EDUCATION.—The Administrator, in partnership with museums, nonprofit organizations, and commercial entities, shall, to the maximum extent practicable, leverage human spaceflight missions, Deep Space Exploration Systems (including the Space Launch System, Orion, and Exploration Ground Systems), and NASA science programs to engage students at the kindergarten through grade 12 and higher education levels to pursue learning and career opportunities in STEM fields.

(c) BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall brief the appropriate committees of Congress on—

(1) the status of the programs described in subsection (a); and

(2) the manner by which each NASA STEM education engagement activity is organized and funded.

(d) STEM EDUCATION DEFINED.—In this section, the term ''STEM education'' has the meaning given the term in section 2 of the STEM Education Act of 2015 (Public Law 114–59; 42 U.S.C. 6621 note).

SEC. 603. SKILLED TECHNICAL EDUCATION OUTREACH PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to conduct outreach to secondary school students—

(1) to expose students to careers that require career and technical education; and

(2) to encourage students to pursue careers that require career and technical education.

(b) OUTREACH PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the outreach program under subsection (a) that includes—

(1) an implementation plan;

(2) a description of the resources needed to carry out the program; and

(3) any recommendations on expanding outreach to secondary school students interested in skilled technical occupations.

(c) SYSTEMS OBSERVATION.—

(1) IN GENERAL.—The Administrator shall develop a program and associated policies to allow students from accredited educational institutions to view the manufacturing, assembly, and testing of NASA-funded space and aeronautical systems, as the Administrator considers appropriate.

(2) CONSIDERATIONS.—In developing the program and policies under paragraph (1), the Administrator shall take into consideration factors such as workplace safety, mission needs, and the protection of sensitive and proprietary technologies.

SEC. 604. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.

(a) PURPOSES.—Section 40301 of title 51, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(D) promote equally the State and regional STEM interests of each space grant consortium;''; and

(2) in paragraph (4), by striking ''made up of university and industry members, in order

to advance'' and inserting ''comprised of members of universities in each State and other entities, such as 2-year colleges, industries, science learning centers, museums, and government entities, to advance''.

(b) DEFINITIONS.—Section 40302 of title 51, United States Code, is amended—

(1) by striking paragraph (3);

(2) by inserting after paragraph (2) the following:

''(3) LEAD INSTITUTION.—The term 'lead institution' means an entity in a State that—

''(A) was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020; or

''(B) is designated by the Administrator under section 40303(d)(3).'';

(3) in paragraph (4), by striking ''space grant college, space grant regional consortium, institution of higher education,'' and inserting ''lead institution, space grant consortium,'';

(4) by striking paragraphs (6), (7), and (8);

(5) by inserting after paragraph (5) the following:

''(6) SPACE GRANT CONSORTIUM.—The term 'space grant consortium' means a State-wide group, led by a lead institution, that has established partnerships with other academic institutions, industries, science learning centers, museums, and government entities to promote a strong educational base in the space and aeronautical sciences.'';

(6) by redesignating paragraph (9) as paragraph (7);

(7) in paragraph (7)(B), as so redesignated, by inserting ''and aeronautics'' after ''space'';

(8) by striking paragraph (10); and

(9) by adding at the end the following:

''(8) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.''.

(c) PROGRAM OBJECTIVE.—Section 40303 of title 51, United States Code, is amended—

(1) by striking subsections (d) and (e);

(2) by redesignating subsection (c) as subsection (e); and

(3) by striking subsection (b) and inserting the following:

''(b) PROGRAM OBJECTIVE.—

''(1) IN GENERAL.—The Administrator shall carry out the national space grant college and fellowship program with the objective of providing hands-on research, training, and education programs with measurable outcomes in each State, including programs to provide—

''(A) internships, fellowships, and scholarships;

''(B) interdisciplinary hands-on mission programs and design projects;

''(C) student internships with industry or university researchers or at centers of the Administration;

''(D) faculty and curriculum development initiatives;

''(E) university-based research initiatives relating to the Administration and the STEM workforce needs of each State; or

''(F) STEM engagement programs for kindergarten through grade 12 teachers and students.

''(2) PROGRAM PRIORITIES.—In carrying out the objective described in paragraph (1), the Administrator shall ensure that each program carried out by a space grant consortium under the national space grant college and fellowship program balances the following priorities:

''(A) The space and aeronautics research needs of the Administration, including the mission directorates.

''(B) The need to develop a national STEM workforce.

''(C) The STEM workforce needs of the State.

''(c) PROGRAM ADMINISTERED THROUGH SPACE GRANT CONSORTIA.—The Administrator shall carry out the national space grant college and fellowship program through the space grant consortia.

''(d) SUSPENSION; TERMINATION; NEW COMPETITION.—

''(1) SUSPENSION.—The Administrator may, for cause and after an opportunity for hearing, suspend a lead institution that was designated by the Administrator under section 40306, as in effect on the day before the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020.

''(2) TERMINATION.—If the issue resulting in a suspension under paragraph (1) is not resolved within a period determined by the Administrator, the Administrator may terminate the designation of the entity as a lead institution.

''(3) NEW COMPETITION.—If the Administrator terminates the designation of an entity as a lead institution, the Administrator may initiate a new competition in the applicable State for the designation of a lead institution.''.

(d) GRANTS.—Section 40304 of title 51, United States Code, is amended to read as follows:

''§ 40304. Grants

''(a) ELIGIBLE SPACE GRANT CONSORTIUM DEFINED.—In this section, the term 'eligible space grant consortium' means a space grant consortium that the Administrator has determined—

''(1) has the capability and objective to carry out not fewer than 3 of the 6 programs under section 40303(b)(1);

''(2) will carry out programs that balance the priorities described in section 40303(b)(2); and

''(3) is engaged in research, training, and education relating to space and aeronautics.

''(b) GRANTS.—

''(1) IN GENERAL.—The Administrator shall award grants to the lead institutions of eligible space grant consortia to carry out the programs under section 40303(b)(1).

''(2) REQUEST FOR PROPOSALS.—

''(A) IN GENERAL.—On the expiration of existing cooperative agreements between the Administration and the space grant consortia, the Administrator shall issue a request for proposals from space grant consortia for the award of grants under this section.

''(B) APPLICATIONS.—A lead institution of a space grant consortium that seeks a grant under this section shall submit, on behalf of such space grant consortium, an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

''(3) GRANT AWARDS.—The Administrator shall award 1 or more 5-year grants, disbursed in annual installments, to the lead institution of the eligible space grant consortium of—

''(A) each State;

''(B) the District of Columbia; and

''(C) the Commonwealth of Puerto Rico.

''(4) USE OF FUNDS.—A grant awarded under this section shall be used by an eligible space grant consortium to carry out not fewer than 3 of the 6 programs under section 40303(b)(1).

''(c) ALLOCATION OF FUNDING.—

''(1) PROGRAM IMPLEMENTATION.—

''(A) IN GENERAL.—To carry out the objective described in section 40303(b)(1), of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not less than 85 percent as follows:

''(i) The 52 eligible space grant consortia shall each receive an equal share.

''(ii) The territories of Guam and the United States Virgin Islands shall each receive funds equal to approximately ⅕ of the share for each eligible space grant consortia.

''(B) MATCHING REQUIREMENT.—Each eligible space grant consortium shall match the funds allocated under subparagraph (A)(i) on a basis of not less than 1 non-Federal dollar for every 1 Federal dollar, except that any program funded under paragraph (3) or any program to carry out 1 or more internships or fellowships shall not be subject to that matching requirement.

''(2) PROGRAM ADMINISTRATION.—

''(A) IN GENERAL.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 10 percent for the administration of the program.

''(B) COSTS COVERED.—The funds allocated under subparagraph (A) shall cover all costs of the Administration associated with the administration of the national space grant college and fellowship program, including—

''(i) direct costs of the program, including costs relating to support services and civil service salaries and benefits;

''(ii) indirect general and administrative costs of centers and facilities of the Administration; and

''(iii) indirect general and administrative costs of the Administration headquarters.

''(3) SPECIAL PROGRAMS.—Of the funds made available each fiscal year for the national space grant college and fellowship program, the Administrator shall allocate not more than 5 percent to the lead institutions of space grant consortia established as of the date of the enactment of the National Aeronautics and Space Administration Authorization Act of 2020 for grants to carry out innovative approaches and programs to further science and education relating to the missions of the Administration and STEM disciplines.

''(d) TERMS AND CONDITIONS.—

''(1) LIMITATIONS.—Amounts made available through a grant under this section may not be applied to—

''(A) the purchase of land;

''(B) the purchase, construction, preservation, or repair of a building; or

''(C) the purchase or construction of a launch facility or launch vehicle.

''(2) LEASES.—Notwithstanding paragraph (1), land, buildings, launch facilities, and launch vehicles may be leased under a grant on written approval by the Administrator.

''(3) RECORDS.—

''(A) IN GENERAL.—Any person that receives or uses the proceeds of a grant under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records that fully disclose the amount and disposition by a recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost that was provided through other sources.

''(B) MAINTENANCE OF RECORDS.—Records under subparagraph (A) shall be maintained for not less than 3 years after the date of completion of such a program or project.

''(C) ACCESS.—For the purpose of audit and evaluation, the Administrator and the Comptroller General of the United States shall have access to any books, documents, papers, and records of receipts relating to a grant under this section, as determined by the Administrator or Comptroller General.''.

(e) PROGRAM STREAMLINING.—Title 51, United States Code, is amended—

(1) by striking sections 40305 through 40308, 40310, and 40311; and

(2) by redesignating section 40309 as section 40305.

(f) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 403 of title 51, United States Code, is amended by striking the items relating to sections 40304 through 40311 and inserting the following:

''40304. Grants.
''40305. Availability of other Federal personnel and data.''.

TITLE VII—WORKFORCE AND INDUSTRIAL BASE

SEC. 701. APPOINTMENT AND COMPENSATION PILOT PROGRAM.

(a) DEFINITION OF COVERED PROVISIONS.—In this section, the term ''covered provisions'' means the provisions of title 5, United States Code, other than—

(1) section 2301 of that title;

(2) section 2302 of that title;

(3) chapter 71 of that title;

(4) section 7204 of that title; and

(5) chapter 73 of that title.

(b) ESTABLISHMENT.—There is established a 3-year pilot program under which, notwithstanding section 20113 of title 51, United States Code, the Administrator may, with respect to not more than 3,000 designated personnel—

(1) appoint and manage such designated personnel of the Administration, without regard to the covered provisions; and

(2) fix the compensation of such designated personnel of the Administration, without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 104 of title 3, United States Code.

(c) ADMINISTRATOR RESPONSIBILITIES.—In carrying out the pilot program established under subsection (b), the Administrator shall ensure that the pilot program—

(1) uses—

(A) state-of-the-art recruitment techniques;

(B) simplified classification methods with respect to personnel of the Administration; and

(C) broad banding; and

(2) offers—

(A) competitive compensation; and

(B) the opportunity for career mobility.

SEC. 702. ESTABLISHMENT OF MULTI-INSTITUTION CONSORTIA.

(a) IN GENERAL.—The Administrator, pursuant to section 2304(c)(3)(B) of title 10, United States Code, may—

(1) establish one or more multi-institution consortia to facilitate access to essential engineering, research, and development capabilities in support of NASA missions;

(2) use such a consortium to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers; and

(3) ensure such a consortium—

(A) is held accountable for the technical quality of the work product developed under this section; and

(B) convenes disparate groups to facilitate public-private partnerships.

(b) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a consortium under subsection (a)—

(1) the selection of participants;

(2) the award of cooperative agreements or other contracts;

(3) the appropriate use of competitive awards and sole source awards; and

(4) technical capabilities required.

(c) ELIGIBILITY.—The following entities shall be eligible to participate in a consortium established under subsection (a):

(1) An institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)).

(2) An operator of a federally funded research and development center.

(3) A nonprofit or not-for-profit research institution.

(4) A consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 703. EXPEDITED ACCESS TO TECHNICAL TALENT AND EXPERTISE.

(a) IN GENERAL.—The Administrator may—

(1) establish one or more multi-institution task order contracts, consortia, cooperative agreements, or other arrangements to facilitate expedited access to eligible entities in support of NASA missions; and

(2) use such a multi-institution task order contract, consortium, cooperative agreement, or other arrangement to fund technical analyses and other engineering support to address the acquisition, technical, and operational needs of NASA centers.

(b) CONSULTATION WITH OTHER NASA-AFFILIATED ENTITIES.—To ensure access to technical expertise and reduce costs and duplicative efforts, a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement established under subsection (a)(1) shall, to the maximum extent practicable, be carried out in consultation with other NASA-affiliated entities, including federally funded research and development centers, university-affiliated research centers, and NASA laboratories and test centers.

(c) POLICIES AND PROCEDURES.—The Administrator shall develop and implement policies and procedures to govern, with respect to the establishment of a multi-institution task order contract, consortium, cooperative agreement, or any other arrangement under subsection (a)(1)—

(1) the selection of participants;

(2) the award of task orders;

(3) the maximum award size for a task;

(4) the appropriate use of competitive awards and sole source awards; and

(5) technical capabilities required.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means—

(1) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) an operator of a federally funded research and development center;

(3) a nonprofit or not-for-profit research institution; and

(4) a consortium composed of—

(A) an entity described in paragraph (1), (2), or (3); and

(B) one or more for-profit entities.

SEC. 704. REPORT ON INDUSTRIAL BASE FOR CIVIL SPACE MISSIONS AND OPERATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and from time to time thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the United States industrial base for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comprehensive description of the current status of the United States industrial base for NASA civil space missions and operations.

(2) A description and assessment of the weaknesses in the supply chain, skills, manufacturing capacity, raw materials, key components, and other areas of the United States industrial base for NASA civil space missions and operations that could adversely impact such missions and operations if unavailable.

(3) A description and assessment of various mechanisms to address and mitigate the weaknesses described pursuant to paragraph (2).

(4) A comprehensive list of the collaborative efforts, including future and proposed collaborative efforts, between NASA and the Manufacturing USA institutes of the Department of Commerce.

(5) An assessment of—

(A) the defense and aerospace manufacturing supply chains relevant to NASA in each region of the United States; and

(B) the feasibility and benefits of establishing a supply chain center of excellence in a State in which NASA does not, as of the date of the enactment of this Act, have a research center or test facility.

(6) Such other matters relating to the United States industrial base for NASA civil space missions and operations as the Administrator considers appropriate.

SEC. 705. SEPARATIONS AND RETIREMENT INCENTIVES.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) PROVISIONS RELATED TO SEPARATION AND RETIREMENT INCENTIVES.—

''(1) DEFINITION.—In this subsection, the term 'employee'—

''(A) means an employee of the Administration serving under an appointment without time limitation; and

''(B) does not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5 or any other retirement system for employees of the Federal Government;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i); or

''(iii) for purposes of eligibility for separation incentives under this subsection, an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(2) AUTHORITY.—The Administrator may establish a program under which employees may be eligible for early retirement, offered separation incentive pay to separate from service voluntarily, or both. This authority may be used to reduce the number of personnel employed or to restructure the workforce to meet mission objectives without reducing the overall number of personnel. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

''(3) EARLY RETIREMENT.—An employee who is at least 50 years of age and has completed 20 years of service, or has at least 25 years of service, may, pursuant to regulations promulgated under this subsection, apply and be retired from the Administration and receive benefits in accordance with subchapter III of chapter 83 or 84 of title 5 if the employee has been employed continuously within the Administration for more than 30 days before the date on which the determination to conduct a reduction or restructuring within 1 or more Administration centers is approved.

''(4) SEPARATION PAY.—

''(A) IN GENERAL.—Separation pay shall be paid in a lump sum or in installments and shall be equal to the lesser of—

''(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section; or

''(ii) $40,000.

''(B) LIMITATIONS.—Separation pay shall not be a basis for payment, and shall not be

included in the computation, of any other type of Government benefit. Separation pay shall not be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, based on any other separation.

''(C) INSTALLMENTS.—Separation pay, if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract as described in paragraph (5).

''(5) LIMITATIONS ON REEMPLOYMENT.—

''(A) An employee who receives separation pay under such program may not be reemployed by the Administration for a 12-month period beginning on the effective date of the employee's separation, unless this prohibition is waived by the Administrator on a case-by-case basis.

''(B) An employee who receives separation pay under this section on the basis of a separation and accepts employment with the Government of the United States, or who commences work through a personal services contract with the United States within 5 years after the date of the separation on which payment of the separation pay is based, shall be required to repay the entire amount of the separation pay to the Administration. If the employment is with an Executive agency (as defined by section 105 of title 5) other than the Administration, the Administrator may, at the request of the head of that agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is within the Administration, the Administrator may waive the repayment if the individual involved is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(6) REGULATIONS.—Under the program established under paragraph (2), early retirement and separation pay may be offered only pursuant to regulations established by the Administrator, subject to such limitations or conditions as the Administrator may require.

''(7) USE OF EXISTING FUNDS.—The Administrator shall carry out this subsection using amounts otherwise made available to the Administrator and no additional funds are authorized to be appropriated to carry out this subsection.''.

SEC. 706. CONFIDENTIALITY OF MEDICAL QUALITY ASSURANCE RECORDS.

(a) IN GENERAL.—Chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''§ 31303. Confidentiality of medical quality assurance records

''(a) IN GENERAL.—Except as provided in subsection (b)(1)—

''(1) a medical quality assurance record, or any part of a medical quality assurance record, may not be subject to discovery or admitted into evidence in a judicial or administrative proceeding; and

''(2) an individual who reviews or creates a medical quality assurance record for the Administration, or participates in any proceeding that reviews or creates a medical quality assurance record, may not testify in a judicial or administrative proceeding with respect to—

''(A) the medical quality assurance record; or

''(B) any finding, recommendation, evaluation, opinion, or action taken by such individual or in accordance with such proceeding with respect to the medical quality assurance record.

''(b) DISCLOSURE OF RECORDS.—

''(1) IN GENERAL.—Notwithstanding subsection (a), a medical quality assurance record may be disclosed to—

''(A) a Federal agency or private entity, if the medical quality assurance record is necessary for the Federal agency or private entity to carry out—

''(i) licensing or accreditation functions relating to Administration healthcare facilities; or

''(ii) monitoring of Administration healthcare facilities required by law;

''(B) a Federal agency or healthcare provider, if the medical quality assurance record is required by the Federal agency or healthcare provider to enable Administration participation in a healthcare program of the Federal agency or healthcare provider;

''(C) a criminal or civil law enforcement agency, or an instrumentality authorized by law to protect the public health or safety, on written request by a qualified representative of such agency or instrumentality submitted to the Administrator that includes a description of the lawful purpose for which the medical quality assurance record is requested;

''(D) an officer, an employee, or a contractor of the Administration who requires the medical quality assurance record to carry out an official duty associated with healthcare;

''(E) healthcare personnel, to the extent necessary to address a medical emergency affecting the health or safety of an individual; and

''(F) any committee, panel, or board convened by the Administration to review the healthcare-related policies and practices of the Administration.

''(2) SUBSEQUENT DISCLOSURE PROHIBITED.—An individual or entity to whom a medical quality assurance record has been disclosed under paragraph (1) may not make a subsequent disclosure of the medical quality assurance record.

''(c) PERSONALLY IDENTIFIABLE INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the personally identifiable information contained in a medical quality assurance record of a patient or an employee of the Administration, or any other individual associated with the Administration for purposes of a medical quality assurance program, shall be removed before the disclosure of the medical quality assurance record to an entity other than the Administration.

''(2) EXCEPTION.— Personally identifiable information described in paragraph (1) may be released to an entity other than the Administration if the Administrator makes a determination that the release of such personally identifiable information—

''(A) is in the best interests of the Administration; and

''(B) does not constitute an unwarranted invasion of personal privacy.

''(d) EXCLUSION FROM FOIA.—A medical quality assurance record may not be made available to any person under section 552 of title 5, United States Code (commonly referred to as the 'Freedom of Information Act'), and this section shall be considered a statute described in subsection (b)(3)(B) of such section 522.

''(e) REGULATIONS.—Not later than one year after the date of the enactment of this section, the Administrator shall promulgate regulations to implement this section.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to withhold a medical quality assurance record from a committee of the Senate or House of Representatives or a joint committee of Congress if the medical quality assurance record relates to a matter within the jurisdiction of such committee or joint committee; or

''(2) to limit the use of a medical quality assurance record within the Administration, including the use by a contractor or consultant of the Administration.

''(g) DEFINITIONS.—In this section:

''(1) MEDICAL QUALITY ASSURANCE RECORD.—The term 'medical quality assurance record' means any proceeding, discussion, record, finding, recommendation, evaluation, opinion, minutes, report, or other document or action that results from a quality assurance committee, quality assurance program, or quality assurance program activity.

''(2) QUALITY ASSURANCE PROGRAM.—

''(A) IN GENERAL.—The term 'quality assurance program' means a comprehensive program of the Administration—

''(i) to systematically review and improve the quality of medical and behavioral health services provided by the Administration to ensure the safety and security of individuals receiving such health services; and

''(ii) to evaluate and improve the efficiency, effectiveness, and use of staff and resources in the delivery of such health services.

''(B) INCLUSION.—The term 'quality assurance program' includes any activity carried out by or for the Administration to assess the quality of medical care provided by the Administration.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 313 of title 51, United States Code, is amended by adding at the end the following:

''31303. Confidentiality of medical quality assurance records.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CONTRACTING AUTHORITY.

Section 20113 of title 51, United States Code, is amended by adding at the end the following:

''(o) CONTRACTING AUTHORITY.—The Administration—

''(1) may enter into an agreement with a private, commercial, or State government entity to provide the entity with supplies, support, and services related to private, commercial, or State government space activities carried out at a property owned or operated by the Administration; and

''(2) upon the request of such an entity, may include such supplies, support, and services in the requirements of the Administration if—

''(A) the Administrator determines that the inclusion of such supplies, support, or services in such requirements—

''(i) is in the best interest of the Federal Government;

''(ii) does not interfere with the requirements of the Administration; and

''(iii) does not compete with the commercial space activities of other such entities; and

''(B) the Administration has full reimbursable funding from the entity that requested supplies, support, and services prior to making any obligation for the delivery of such supplies, support, or services under an Administration procurement contract or any other agreement.''.

SEC. 802. AUTHORITY FOR TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.

Section 20113 of title 51, United States Code, as amended by section 801, is further amended by adding at the end the following:

''(p) TRANSACTION PROTOTYPE PROJECTS AND FOLLOW-ON PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—The Administration may enter into a transaction (other than a contract, cooperative agreement, or grant) to carry out a prototype project that is directly relevant to enhancing the mission effectiveness of the Administration.

''(2) SUBSEQUENT AWARD OF FOLLOW-ON PRODUCTION CONTRACT.—A transaction entered into under this subsection for a prototype project may provide for the subsequent award of a follow-on production contract to participants in the transaction.

''(3) INCLUSION.—A transaction under this subsection includes a project awarded to an individual participant and to all individual projects awarded to a consortium of United States industry and academic institutions.

''(4) DETERMINATION.—The authority of this section may be exercised for a transaction for a prototype project and any follow-on production contract, upon a determination by the head of the contracting activity, in accordance with Administration policies, that—

''(A) circumstances justify use of a transaction to provide an innovative business arrangement that would not be feasible or appropriate under a contract; and

''(B) the use of the authority of this section is essential to promoting the success of the prototype project.

''(5) COMPETITIVE PROCEDURE.—

''(A) IN GENERAL.—To the maximum extent practicable, the Administrator shall use competitive procedures with respect to entering into a transaction to carry out a prototype project.

''(B) EXCEPTION.—Notwithstanding section 2304 of title 10, United States Code, a follow-on production contract may be awarded to the participants in the prototype transaction without the use of competitive procedures, if—

''(i) competitive procedures were used for the selection of parties for participation in the prototype transaction; and

''(ii) the participants in the transaction successfully completed the prototype project provided for in the transaction.

''(6) COST SHARE.—A transaction to carry out a prototype project and a follow-on production contract may require that part of the total cost of the transaction or contract be paid by the participant or contractor from a source other than the Federal Government.

''(7) PROCUREMENT ETHICS.—A transaction under this authority shall be considered an agency procurement for purposes of chapter 21 of title 41, United States Code, with regard to procurement ethics.''.

SEC. 803. PROTECTION OF DATA AND INFORMATION FROM PUBLIC DISCLOSURE.

(a) CERTAIN TECHNICAL DATA.—Section 20131 of title 51, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) in subsection (a)(3), by striking ''subsection (b)'' and inserting ''subsection (b) or (c)'';

(3) by inserting after subsection (b) the following:

''(c) SPECIAL HANDLING OF CERTAIN TECHNICAL DATA.—

''(1) IN GENERAL.—The Administrator may provide appropriate protections against the public dissemination of certain technical data, including exemption from subchapter II of chapter 5 of title 5.

''(2) DEFINITIONS.—In this subsection:

''(A) CERTAIN TECHNICAL DATA.—The term 'certain technical data' means technical data that may not be exported lawfully outside the United States without approval, authorization, or license under—

''(i) the Export Control Reform Act of 2018 (Public Law 115–232; 132 Stat. 2208); or

''(ii) the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 729).

''(B) TECHNICAL DATA.—The term 'technical data' means any blueprint, drawing, photograph, plan, instruction, computer software, or documentation, or any other technical information.'';

(4) in subsection (d), as so redesignated, by inserting '', including any data,'' after ''information''; and

(5) by adding at the end the following:

''(e) EXCLUSION FROM FOIA.—This section shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5 (commonly referred to as the 'Freedom of Information Act').''.

(b) CERTAIN VOLUNTARILY PROVIDED SAFETY-RELATED INFORMATION.—

(1) IN GENERAL.—The Administrator shall provide appropriate safeguards against the public dissemination of safety-related information collected as part of a mishap investigation carried out under the NASA safety reporting system or in conjunction with an organizational safety assessment, if the Administrator makes a written determination, including a justification of the determination, that—

(A)(i) disclosure of the information would inhibit individuals from voluntarily providing safety-related information; and

(ii) the ability of NASA to collect such information improves the safety of NASA programs and research relating to aeronautics and space; or

(B) withholding such information from public disclosure improves the safety of such NASA programs and research.

(2) OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, if the Administrator provides to the head of another Federal agency safety-related information with respect to which the Administrator has made a determination under paragraph (1), the head of the Federal agency shall withhold the information from public disclosure.

(3) PUBLIC AVAILABILITY.—A determination or part of a determination under paragraph (1) shall be made available to the public on request, as required under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(4) EXCLUSION FROM FOIA.—This subsection shall be considered a statute described in subsection (b)(3)(B) of section 552 of title 5, United States Code.

SEC. 804. PHYSICAL SECURITY MODERNIZATION.

Chapter 201 of title 51, United States Code, is amended—

(1) in section 20133(2), by striking ''property'' and all that follows through ''to the United States,'' and inserting ''Administration personnel or of property owned or leased by, or under the control of, the United States''; and

(2) in section 20134, in the second sentence—

(A) by inserting ''Administration personnel or any'' after ''protecting''; and

(B) by striking '', at facilities owned or contracted to the Administration''.

SEC. 805. LEASE OF NON-EXCESS PROPERTY.

Section 20145 of title 51, United States Code, is amended—

(1) in paragraph (b)(1)(B), by striking ''entered into for the purpose of developing renewable energy production facilities''; and

(2) in subsection (g), in the first sentence, by striking ''December 31, 2021'' and inserting ''December 31, 2025''.

SEC. 806. CYBERSECURITY.

(a) IN GENERAL.—Section 20301 of title 51, United States Code, is amended by adding at the end the following:

''(c) CYBERSECURITY.—The Administrator shall update and improve the cybersecurity of NASA space assets and supporting infrastructure.''.

(b) SECURITY OPERATIONS CENTER.—

(1) ESTABLISHMENT.—The Administrator shall maintain a Security Operations Center, to identify and respond to cybersecurity threats to NASA information technology systems, including institutional systems and mission systems.

(2) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, each of the recommendations contained in the report of the Inspector General of NASA entitled ''Audit of NASA's Security Operations Center'', issued on May 23, 2018.

(c) CYBER THREAT HUNT.—

(1) IN GENERAL.—The Administrator, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal agencies, may implement a cyber threat hunt capability to proactively search NASA information systems for advanced cyber threats that otherwise evade existing security tools.

(2) THREAT-HUNTING PROCESS.—In carrying out paragraph (1), the Administrator shall develop and document a threat-hunting process, including the roles and responsibilities of individuals conducting a cyber threat hunt.

(d) GAO PRIORITY RECOMMENDATIONS.—The Administrator shall implement, to the maximum extent practicable, the recommendations for NASA contained in the report of the Comptroller General of the United States entitled ''Information Security: Agencies Need to Improve Controls over Selected High-Impact Systems'', issued May 18, 2016, including—

(1) re-evaluating security control assessments; and

(2) specifying metrics for the continuous monitoring strategy of the Administration.

SEC. 807. LIMITATION ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Except as provided by subsection (b), the Administrator, the Director of the OSTP, and the Chair of the National Space Council, shall not—

(1) develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any manner with—

(A) the Government of the People's Republic of China; or

(B) any company—

(i) owned by the Government of the People's Republic of China; or

(ii) incorporated under the laws of the People's Republic of China; and

(2) host official visitors from the People's Republic of China at a facility belonging to or used by NASA.

(b) WAIVER.—

(1) IN GENERAL.—The Administrator, the Director, or the Chair may waive the limitation under subsection (a) with respect to an activity described in that subsection only if the Administrator, the Director, or the Chair, as applicable, makes a determination that the activity—

(A) does not pose a risk of a transfer of technology, data, or other information with national security or economic security implications to an entity described in paragraph (1) of such subsection; and

(B) does not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(2) CERTIFICATION TO CONGRESS.—Not later than 30 days after the date on which a waiver is granted under paragraph (1), the Administrator, the Director, or the Chair, as applicable, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate and the Committee on Science, Space, and Technology and the Committee on Appropriations of the House of Representatives a written certification that the activity complies with the requirements in subparagraphs (A) and (B) of that paragraph.

(c) GAO REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of NASA contracts that may subject the Administration to unacceptable transfers of intellectual property or technology to any entity—

(A) owned or controlled (in whole or in part) by, or otherwise affiliated with, the Government of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(2) ELEMENTS.—The review required under paragraph (1) shall assess—

(A) whether the Administrator is aware—

(i) of any NASA contractor that benefits from significant financial assistance from—

(I) the Government of the People's Republic of China;

(II) any entity controlled by the Government of the People's Republic of China; or

(III) any other governmental entity of the People's Republic of China; and

(ii) that the Government of the People's Republic of China, or an entity controlled by the Government of the People's Republic of China, may be—

(I) leveraging United States companies that share ownership with NASA contractors; or

(II) obtaining intellectual property or technology illicitly or by other unacceptable means; and

(B) the steps the Administrator is taking to ensure that—

(i) NASA contractors are not being leveraged (directly or indirectly) by the Government of the People's Republic of China or by an entity controlled by the Government of the People's Republic of China;

(ii) the intellectual property and technology of NASA contractors are adequately protected; and

(iii) NASA flight-critical components are not sourced from the People's Republic of China through any entity benefiting from Chinese investments, loans, or other assistance.

(3) RECOMMENDATIONS.—The Comptroller General shall provide to the Administrator recommendations for future NASA contracting based on the results of the review.

(4) PLAN.—Not later than 180 days after the date on which the Comptroller General completes the review, the Administrator shall—

(A) develop a plan to implement the recommendations of the Comptroller General; and

(B) submit the plan to the appropriate committees of Congress.

SEC. 808. CONSIDERATION OF ISSUES RELATED TO CONTRACTING WITH ENTITIES RECEIVING ASSISTANCE FROM OR AFFILIATED WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—With respect to a matter in response to a request for proposal or a broad area announcement by the Administrator, or award of any contract, agreement, or other transaction with the Administrator, a commercial or noncommercial entity shall certify that it is not majority owned or controlled (as defined in section 800.208 of title 31, Code of Federal Regulations), or minority owned greater than 25 percent, by—

(1) any governmental organization of the People's Republic of China; or

(2) any other entity that is—

(A) known to be owned or controlled by any governmental organization of the People's Republic of China; or

(B) organized under, or otherwise subject to, the laws of the People's Republic of China.

(b) FALSE STATEMENTS.—

(1) IN GENERAL.—A false statement contained in a certification under subsection (a) constitutes a false or fraudulent claim for purposes of chapter 47 of title 18, United States Code.

(2) ACTION UNDER FEDERAL ACQUISITION REGULATION.—Any party convicted for making a false statement with respect to a certification under subsection (a) shall be subject to debarment from contracting with the Administrator for a period of not less than 1 year, as determined by the Administrator, in addition to other appropriate action in accordance with the Federal Acquisition Regulation maintained under section 1303(a)(1) of title 41, United States Code.

(c) ANNUAL REPORT.—The Administrator shall submit to the appropriate committees of Congress an annual report detailing any violation of this section.

SEC. 809. SMALL SATELLITE LAUNCH SERVICES PROGRAM.

(a) IN GENERAL.—The Administrator shall continue to procure dedicated launch services, including from small and venture class launch providers, for small satellites, including CubeSats, for the purpose of conducting science and technology missions that further the goals of NASA.

(b) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall engage with the academic community to maximize awareness and use of dedicated small satellite launch opportunities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall prevent the Administrator from continuing to use a secondary payload of procured launch services for CubeSats.

SEC. 810. 21ST CENTURY SPACE LAUNCH INFRASTRUCTURE.

(a) IN GENERAL.—The Administrator shall carry out a program to modernize multi-user launch infrastructure at NASA facilities—

(1) to enhance safety; and

(2) to advance Government and commercial space transportation and exploration.

(b) PROJECTS.—Projects funded under the program under subsection (a) may include—

(1) infrastructure relating to commodities;

(2) standard interfaces to meet customer needs for multiple payload processing and launch vehicle processing;

(3) enhancements to range capacity and flexibility; and

(4) such other projects as the Administrator considers appropriate to meet the goals described in subsection (a).

(c) REQUIREMENTS.—In carrying out the program under subsection (a), the Administrator shall—

(1) identify and prioritize investments in projects that can be used by multiple users and launch vehicles, including non-NASA users and launch vehicles; and

(2) limit investments to projects that would not otherwise be funded by a NASA program, such as an institutional or programmatic infrastructure program.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a NASA program, including the Space Launch System and Orion, from using the launch infrastructure modernized under this section.

SEC. 811. MISSIONS OF NATIONAL NEED.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) while certain space missions, such as asteroid detection or space debris mitigation or removal missions, may not provide the highest-value science, as determined by the National Academies of Science, Engineering, and Medicine decadal surveys, such missions provide tremendous value to the United States and the world; and

(2) the current organizational and funding structure of NASA has not prioritized the funding of missions of national need.

(b) STUDY.—

(1) IN GENERAL.—The Director of the OSTP shall conduct a study on the manner in which NASA funds missions of national need.

(2) MATTERS TO BE INCLUDED.—The study conducted under paragraph (1) shall include the following:

(A) An identification and assessment of the types of missions or technology development programs that constitute missions of national need.

(B) An assessment of the manner in which such missions are currently funded and managed by NASA.

(C) An analysis of the options for funding missions of national need, including—

(i) structural changes required to allow NASA to fund such missions; and

(ii) an assessment of the capacity of other Federal agencies to make funds available for such missions.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Director of the OSTP shall submit to the appropriate committees of Congress a report on the results of the study conducted under subsection (b), including recommendations for funding missions of national need.

SEC. 812. DRINKING WATER WELL REPLACEMENT FOR CHINCOTEAGUE, VIRGINIA.

Notwithstanding any other provision of law, during the 5-year period beginning on the date of the enactment of this Act, the Administrator may enter into 1 or more agreements with the town of Chincoteague, Virginia, to reimburse the town for costs that are directly associated with—

(1) the removal of drinking water wells located on property administered by the Administration; and

(2) the relocation of such wells to property under the administrative control, through lease, ownership, or easement, of the town.

SEC. 813. PASSENGER CARRIER USE.

Section 1344(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the comma at the end; and

(3) by inserting after subparagraph (B) the following:

''(C) necessary for post-flight transportation of United States Government astronauts, and other astronauts subject to reimbursable arrangements, returning from space for the performance of medical research, monitoring, diagnosis, or treatment, or other official duties, prior to receiving post-flight medical clearance to operate a motor vehicle,''.

SEC. 814. USE OF COMMERCIAL NEAR-SPACE BALLOONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the use of an array of capabilities, including the use of commercially available near-space balloon assets, is in the best interest of the United States.

(b) USE OF COMMERCIAL NEAR-SPACE BALLOONS.—The Administrator shall use commercially available balloon assets operating

at near-space altitudes, to the maximum extent practicable, as part of a diverse set of capabilities to effectively and efficiently meet the goals of the Administration.

SEC. 815. PRESIDENT'S SPACE ADVISORY BOARD.

Section 121 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 51 U.S.C. 20111 note) is amended—

(1) in the section heading, by striking ''**USERS' ADVISORY GROUP**'' and inserting ''**PRESIDENT'S SPACE ADVISORY BOARD**''; and

(2) by striking ''Users' Advisory Group'' each place it appears and inserting ''President's Space Advisory Board.''

SEC. 816. INITIATIVE ON TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTIONS.

(a) INITIATIVE REQUIRED.—Section 40112 of title 51, United States Code, is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) TECHNOLOGIES FOR NOISE AND EMISSIONS REDUCTION.—

''(1) INITIATIVE REQUIRED.—The Administrator shall establish an initiative to build upon and accelerate previous or ongoing work to develop and demonstrate new technologies, including systems architecture, components, or integration of systems and airframe structures, in electric aircraft propulsion concepts that are capable of substantially reducing both emissions and noise from aircraft.

''(2) APPROACH.—In carrying out the initiative, the Administrator shall do the following:

''(A) Continue and expand work of the Administration on research, development, and demonstration of electric aircraft concepts, and the integration of such concepts.

''(B) To the extent practicable, work with multiple partners, including small businesses and new entrants, on research and development activities related to transport category aircraft.

''(C) Provide guidance to the Federal Aviation Administration on technologies developed and tested pursuant to the initiative.''.

(b) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter as a part of the Administration's budget submission, the Administrator shall submit a report to the appropriate committee of Congress on the progress of the work under the initiative required by subsection (b) of section 40112 of title 51, United States Code (as amended by subsection (a) of this section), including an updated, anticipated timeframe for aircraft entering into service that produce 50 percent less noise and emissions than the highest performing aircraft in service as of December 31, 2019.

SEC. 817. REMEDIATION OF SITES CONTAMINATED WITH TRICHLOROETHYLENE.

(a) IDENTIFICATION OF SITES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall identify sites of the Administration contaminated with trichloroethylene.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

(1) the recommendations of the Administrator for remediating the sites identified under subsection (a) during the 5-year period beginning on the date of the report; and

(2) an estimate of the financial resources necessary to implement those recommendations.

SEC. 818. REPORT ON MERITS AND OPTIONS FOR ESTABLISHING AN INSTITUTE RELATING TO SPACE RESOURCES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the merits of, and options for, establishing an institute relating to space resources to advance the objectives of NASA in maintaining United States preeminence in space described in paragraph (3).

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include an assessment by the Administrator as to whether—

(A) a virtual or physical institute relating to space resources is most cost effective and appropriate; and

(B) partnering with institutions of higher education and the aerospace industry, and the extractive industry as appropriate, would be effective in increasing information available to such an institute with respect to advancing the objectives described in paragraph (3).

(3) OBJECTIVES.—The objectives described in this paragraph are the following:

(A) Identifying, developing, and distributing space resources, including by encouraging the development of foundational science and technology.

(B) Reducing the technological risks associated with identifying, developing, and distributing space resources.

(C) Developing options for using space resources—

(i) to support current and future space architectures, programs, and missions; and

(ii) to enable architectures, programs, and missions that would not otherwise be possible.

(4) DEFINITIONS.—In this section:

(A) EXTRACTIVE INDUSTRY.—The term ''extractive industry'' means a company or individual involved in the process of extracting (including mining, quarrying, drilling, and dredging) space resources.

(B) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(C) SPACE RESOURCE.—

(i) IN GENERAL.—The term ''space resource'' means an abiotic resource in situ in outer space.

(ii) INCLUSIONS.—The term ''space resource'' includes a raw material, a natural material, and an energy source.

SEC. 819. REPORT ON ESTABLISHING CENTER OF EXCELLENCE FOR SPACE WEATHER TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the potential benefits of establishing a NASA center of excellence for space weather technology.

(b) GEOGRAPHIC CONSIDERATIONS.—In the report required by subsection (a), the Administrator shall consider the benefits of establishing the center of excellence described in that subsection in a geographic area—

(1) in close proximity to—

(A) significant government-funded space weather research activities; and

(B) institutions of higher education; and

(2) where NASA may have been previously underrepresented.

SEC. 820. REVIEW ON PREFERENCE FOR DOMESTIC SUPPLIERS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the Administration should, to the maximum extent practicable and with due consideration of foreign policy goals and obligations under Federal law—

(1) use domestic suppliers of goods and services; and

(2) ensure compliance with the Federal acquisition regulations, including subcontract flow-down provisions.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall undertake a comprehensive review of the domestic supplier preferences of the Administration and the obligations of the Administration under the Federal acquisition regulations to ensure compliance, particularly with respect to Federal acquisition regulations provisions that apply to foreign-based subcontractors.

(2) ELEMENTS.—The review under paragraph (1) shall include—

(A) an assessment as to whether the Administration has provided funding for infrastructure of a foreign-owned company or State-sponsored entity in recent years; and

(B) a review of any impact such funding has had on domestic service providers.

(c) REPORT.—The Administrator shall submit to the appropriate committees of Congress a report on the results of the review.

SEC. 821. REPORT ON UTILIZATION OF COMMERCIAL SPACEPORTS LICENSED BY FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the benefits of increased utilization of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of current utilization of commercial spaceports licensed by the Federal Aviation Administration for NASA civil space missions and operations.

(2) A description and assessment of the benefits of increased utilization of such spaceports for such missions and operations.

(3) A description and assessment of the steps necessary to achieve increased utilization of such spaceports for such missions and operations.

SEC. 822. ACTIVE ORBITAL DEBRIS MITIGATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) orbital debris, particularly in low-Earth orbit, poses a hazard to NASA missions, particularly human spaceflight; and

(2) progress has been made on the development of guidelines for long-term space sustainability through the United Nations Committee on the Peaceful Uses of Outer Space.

(b) REQUIREMENTS.—The Administrator should—

(1) ensure the policies and standard practices of NASA meet or exceed international guidelines for spaceflight safety; and

(2) support the development of orbital debris mitigation technologies through continued research and development of concepts.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of implementing subsection (b).

SEC. 823. STUDY ON COMMERCIAL COMMUNICATIONS SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing the ability of researchers to conduct and interact with experiments while in flight would make huge advancements in the overall profitability of conducting research on suborbit and low-Earth orbit payloads; and

(2) current NASA communications do not allow for real-time data collection, observation, or transmission of information.

(b) STUDY.—The Administrator shall conduct a study on the feasibility, impact, and cost of using commercial communications programs services for suborbital flight programs and low-Earth orbit research.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress and make publicly available a report that describes the results of the study conducted under subsection (b).

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2021

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 107.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title for the information of the Senate.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 107) making further continuing appropriations for fiscal year 2021, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Mr. SANDERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, last week I indicated that it would be unacceptable for the Senate to recess for the Christmas holidays without providing substantial direct payments to the working families of our country and to their children.

Majority Leader MCCONNELL and I do not agree on much, but as I understand it, we are in agreement on at least one point, and that is that the Senate cannot go home until the COVID emergency relief bill is passed. The fact that the majority leader intends to keep the Senate in session this weekend to continue work on the COVID relief package is the correct decision.

But let me, at this time, be as clear as I can be. Senator JOSH HAWLEY, a Republican from Missouri, and I have been working together to make certain that the working families of this country have a direct payment of $1,200 for adults and $2,400 for couples and $500 for each of their children. Let me also be absolutely clear that I will object to any attempt by the Senate to pass an omnibus appropriations bill and leave town before passing a COVID relief bill with substantial direct payments going to working people.

The truth is that the working families of this country today are probably in a worse economic condition than at any time since the Great Depression. Millions of people are unable to pay their rent, and they are worried about being evicted. Hunger is, literally, at the highest level that it has been in several decades. And in the midst of this terrible, terrible pandemic, we have tens of millions of people who cannot afford to go to a doctor. That is unacceptable.

I would say to my colleagues, let's get this package passed. Let's make certain that we have direct payments to working families of this country, and with that I would withdraw my objection.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the joint resolution.

The PRESIDING OFFICER. If there is no further debate on the joint resolution, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 107) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—TRIBUTE TO RETIRING MEMBERS OF THE 116TH CONGRESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Members of the 116th Congress and that Members have until Monday, December 21, to submit such tributes.

The PRESIDING OFFICER (Mr. BARRASSO). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, as in executive session, with respect to the Somers nomination, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader and the junior Senator from North Carolina be authorized to sign duly enrolled bills or joint resolutions on December 18 and 19, 2020.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPER AND REIMBURSED CARE FOR NATIVE VETERANS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 6237 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6237) to amend the Indian Health Care Improvement Act to clarify the requirement of the Department of Veterans Affairs and the Department of Defense to reimburse the Indian Health Service for certain health care services.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 6237) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE SEMINOLE TRIBE OF FLORIDA TO LEASE OR TRANSFER CERTAIN LAND

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 4079 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4079) to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4079) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4079

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

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE CERTAIN LAND TRANSACTIONS OF THE SEMINOLE TRIBE OF FLORIDA.

(a) IN GENERAL.—Not withstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Seminole Tribe of Florida may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Seminole Tribe of Florida in any real property that is not held in trust by the United States for the benefit of the Seminole Tribe of Florida.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Seminole Tribe of Florida to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Seminole Tribe of Florida; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in any real property that is held in trust by the United States for the benefit of the Seminole Tribe of Florida.

CARL NUNZIATO VA CLINIC

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5023, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5023) to name the Department of Veterans Affairs community-based outpatient clinic in Youngstown, Ohio, as the ''Carl Nunziato VA Clinic''.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5023) was ordered to a third reading, was read the third time, and passed.

MISSING PERSONS AND UNIDENTIFIED REMAINS ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the House message to accompany S. 2174.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2174) entitled ''An Act to expand the grants authorized under Jennifer's Law and Kristen's Act to include processing of unidentified remains, resolving missing persons cases, and for other purposes.'', do pass with amendments.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment and I ask unanimous consent that the motion be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I move to concur in the title amendment, and I ask unanimous consent that the motion be agreed to; and that the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF S. 3312

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the House message to accompany S. Con. Res. 52.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 52) entitled ''Concurrent resolution to correct the enrollment of S. 3312.'', do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment and I ask unanimous consent that the motion be agreed to, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTING FIREFIGHTERS FROM ADVERSE SUBSTANCES ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 409, S. 2353.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2353) to direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2353) was ordered to be engrossed for a third reading, was read the third time and passed as follows:

S. 2353

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Firefighters from Adverse Substances Act of 2019'' or the ''PFAS Act of 2019''.

SEC. 2. GUIDANCE ON HOW TO PREVENT EXPOSURE TO AND RELEASE OF PFAS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in consultation with the Administrator of the United States Fire Administration, the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the heads of any other relevant agencies, shall—

(1) develop and publish guidance for firefighters and other emergency response personnel on training, education programs, and best practices to—

(A) reduce the exposure to per- and polyfluoroalkyl substances (commonly referred to as ''PFAS'') from firefighting foam and personal protective equipment; and

(B) limit or prevent the release of PFAS from firefighting foam into the environment;

(2) develop and issue guidance to firefighters and other emergency response personnel on alternative foams, personal protective equipment, and other firefighting tools and equipment that do not contain PFAS; and

(3) create an online public repository, which shall be updated on a regular basis, on tools and best practices for firefighters and other emergency response personnel to reduce, limit, and prevent the release of and exposure to PFAS.

(b) REQUIRED CONSULTATION.—In developing the guidance required under subsection (a), the Administrator of the Federal Emergency Management Agency shall consult with appropriate interested entities, including—

(1) firefighters and other emergency response personnel, including national fire service and emergency response organizations;

(2) impacted communities dealing with PFAS contamination;

(3) scientists, including public and occupational health and safety experts, who are studying PFAS and PFAS alternatives in firefighting foam;

(4) voluntary standards organizations engaged in developing standards for firefighter and firefighting equipment;

(5) State fire training academies;

(6) State fire marshals;

(7) manufacturers of firefighting tools and equipment; and

(8) any other relevant entities, as determined by the Administrator of the Federal Emergency Management Agency and the Administrator of the United States Fire Administration.

(c) REVIEW OF GUIDANCE.—Not later than 3 years after the date on which the guidance required under subsection (a) is issued, and not less frequently than once every 2 years thereafter, the Administrator of the Federal Emergency Management Agency, in consultation with the Administrator of the United States Fire Administration, the Administrator of the Environmental Protection Agency, and the Director of the National Institute for Occupational Safety and Health, shall review the guidance and, as appropriate, issue updates to the guidance.

(d) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to this Act.

GAO DATABASE MODERNIZATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 591, S. 4222.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4222) to amend chapter 8 of title 5, United States Code, to require Federal

agencies to submit to the Comptroller General of the United States a report on rules that are revoked, suspended, replaced, amended, or otherwise made ineffective.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 4222

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''GAO Database Modernization Act''.

SEC. 2. RULES NO LONGER IN EFFECT.

Section 801(a)(1) of title 5, United States Code, is amended by adding at the end the following:

[''(D) For any rule submitted under subparagraph (A), if the Federal agency promulgating the rule, in whole or in part, revokes, suspends, replaces, amends, or otherwise makes the rule ineffective, or the rule is made ineffective for any other reason, the Federal agency shall submit to the Comptroller General a report containing—

''(i) the title of the rule;

''(ii) the Federal Register citation for the rule, if any;

''(iii) the date on which rule was submitted to the Comptroller General; and

''(iv) a description of the provisions of the rule that are being revoked, suspended, replaced, amended, or otherwise made ineffective.''.**]**

''(D) For any rule submitted under subparagraph (A), if the Federal agency promulgating the rule, in whole or in part, revokes, suspends, replaces, amends, or otherwise makes the rule ineffective, or the rule is made ineffective for any other reason, the Federal agency shall submit to the Comptroller General a report containing—

''(i) the title of the rule;

''(ii) the Federal Register citation for the rule, if any;

''(iii) the date on which rule was submitted to the Comptroller General; and

''(iv) a description of the provisions of the rule that are being revoked, suspended, replaced, amended, or otherwise made ineffective.''.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported amendment be agreed to and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 4222), as amended, was passed, as follows:

S. 4222

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''GAO Database Modernization Act''.

SEC. 2. RULES NO LONGER IN EFFECT.

Section 801(a)(1) of title 5, United States Code, is amended by adding at the end the following:

''(D) For any rule submitted under subparagraph (A), if the Federal agency promulgating the rule, in whole or in part, revokes, suspends, replaces, amends, or otherwise makes the rule ineffective, or the rule is made ineffective for any other reason, the Federal agency shall submit to the Comptroller General a report containing—

''(i) the title of the rule;

''(ii) the Federal Register citation for the rule, if any;

''(iii) the date on which rule was submitted to the Comptroller General; and

''(iv) a description of the provisions of the rule that are being revoked, suspended, replaced, amended, or otherwise made ineffective.''.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

HENRIETTA LACKS ENHANCING CANCER RESEARCH ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 1966 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1966) to direct the Comptroller General of the United States to complete a study on barriers to participation in federally funded cancer clinical trials by populations that have been traditionally underrepresented in such trials.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I further ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1966) was ordered to a third reading, was read the third time, and passed.

LIFESPAN RESPITE CARE REAUTHORIZATION ACT OF 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 8906, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 8906) to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time.

PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 8906) was passed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE 25TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 729.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 729) recognizing the 25th anniversary of the Dayton Peace Accords.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I know of no further debate on the resolution.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 729) was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 30 (legislative day, September 29), 2020, under ''Submitted Resolutions.'')

CONGRATULATING THE NATIONAL URBAN LEAGUE ON 110 YEARS OF SERVICE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 808, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 808) congratulating the National Urban League on 110 years of

service empowering African Americans and other underserved communities while helping to foster a more just, equitable, and inclusive United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 808) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR SATURDAY, DECEMBER 19, 2020

Mr. MCCONNELL. Now, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Saturday, December 19; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Dietz nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:08 p.m., adjourned until Saturday, December 18, 2020, at 11 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate December 18, 2020:

FARM CREDIT ADMINISTRATION

CHARLES A. STONES, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.