The Senate met at 12 noon and was called to order by the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin.

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

Let us pray.

Our Father in Heaven, we sing of Your steadfast love and proclaim Your faithfulness to all generations. Lord, make us one Nation, truly wise with righteousness, exalting us in due season. Today, inspire our lawmakers to walk in the light of Your countenance. Abide with them so that Your wisdom will influence each decision. Keep them from evil so that they will not be brought to grief, enabling them to avoid the pitfalls that lead to ruin. Empower them to glorify You in all they think, say, and do.

And, Lord, we thank You for our faithful Senate pages.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 2022.

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TAMMY BALDWIN, a Senator from the State of Wisconsin, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. BALDWIN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION
MOTION TO DISCHARGE—Resumed
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the motion to discharge, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to Discharge David M. Uhlmann, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency from the Committee on Environment and Public Works.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATE ACCOMPLISHMENTS
Mr. SCHUMER. Madam President, we approach the culmination of one of the most productive stretches in recent Senate memory. It began almost 2 months ago when, in the wake of unimaginable bloodshed in Buffalo and Uvalde, the Senate came together and passed the first gun safety law in nearly 30 years.

A few weeks later, in the face of the damaging semiconductor shortage, the Senate approved the largest investment in American manufacturing and scientific research in decades.

This week, we finally told American veterans with cancer, lung disease, and other terrible ailments that their wait for their benefits was over by passing the PACT Act.

And a few days ago, as Russian aggression toward Ukraine continues, we swiftly approved the accession of Sweden and Finland to the NATO alliance, greatly strengthening that alliance in the face of Russian aggression.

Gun safety, chips, veterans, NATO—all of this we got done in under 6 weeks. And, now, we have one more groundbreaking item left, the most important of them all: the Inflation Reduction Act. Passing any one of these bills in a summer would be significant. Yet we are on the verge of getting all

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
of them done before the August State work period.

In a few hours, we will formally begin the process of passing the Inflation Reduction Act of 2022 by voting on the motion to proceed. Our meetings with the Parliamentarian have largely concluded, and we thank her and her staff for their hard work and diligence on such a large bill in such a short period of time. And now that our meetings with the Parliamentarian have largely concluded, we have a bill before us that we can win the support of all 50 Democrats.

I am happy to report to my colleagues that the bill we presented to the Parliamentarian remains largely intact. The bill, when passed, will meet all of our goals: fighting climate change, lowering healthcare costs, closing tax loopholes abused by the wealthy, and reducing the deficit.

This is a major win for the American people and a sad commentary on the Republican Party as they continue to fight provisions that lower costs for the American family.

As the Inflation Reduction Act works its way through the floor, the American people are going to learn an unpleasant truth about this proposal: It was written, first and foremost, with the American people in mind. It reduces inflation, it lowers their costs, and it fights climate change. For seniors who have faced the indignity of rationing medications or skipping them altogether, the Inflation Reduction Act will lower prescription drug costs and finally cap out-of-pocket expenses.

For families that have fallen behind on the electric bill while trying to stay cool through a heat wave, this bill will lower energy costs and provide the largest investment in clean energy ever in American history. For every child deprived of clean air and a neighborhood where they can play safely outside, and every community overwhelmed by smog and exhaust fumes, this bill will help reverse air pollution and help clean up communities that have endured the shadow of congested highways and industrial sites. And, as the most significant action of climate change ever, it will help deliver our children and grandchildren the planet they deserve.

The Inflation Reduction Act was written with the American people in mind: families struggling to pay the bills, kids who struggle with asthma and肺炎, and people who can't afford lifesaving medications. This bill is for them.

For many years, many in Washington promised to address some of the biggest challenges facing our Nation, only to fail short. Many have talked about the need to act on climate change, the need to hold drug companies accountable, the need to make the Tax Code fairer. But where previous efforts have fallen short, this Senate majority is on the verge of succeeding.

After years of trying, we will finally empower Medicare to negotiate the price of prescription drug costs. After years of trying, we will finally cap out-of-pocket expenses and make vaccines free for our seniors.

After years of trying, after years of Americans calling for action—particularly our young people—Congress will finally pass a major climate bill. For the first time ever, we will cut emissions by 40 percent by 2030, helping us avert the worst consequences of a warming planet. That is a huge goal, and we are going to meet it. We will prevent nearly 4,000 deaths and 100,000 asthma attacks each year by 2025. We will save Americans money on their utility bill by making it easier for them to tap into clean energy and expand incentives for utility companies to explore cleaner ways to generate power. We will make it easier to finally usher in the era of greater solar and wind power, battery storage, and EVs and bring manufacturing of this technology back to America. We will restore coastlines, regenerate our forests, shield communities everywhere from the dangers of droughts and sweltering heat waves.

Through it all, we will create more than 9 million jobs over the next decade—good-paying union jobs—an average of nearly a million a year. So many of those jobs, as I said, will be good-paying union jobs.

From the moment Democrats announced the Inflation Reduction Act, Senate Republicans have fruitlessly tried everything under the sun to lay a glove on our bill. First, they said our bill will make inflation worse, only to give up on that once everyone from Larry Summers to Hank Paulson, to seven Nobel laureates said it would do the opposite. Then they tried calling our bill a bill of tax hikes on the middle class before changing their minds and actually admitting that the bill contains no tax rate increases at all for the middle class.

At every turn, they have resorted to the decades-old talking point of calling out provisions that lowers the deficit and is comprehensively and far-reaching pieces of legislation that has come before the Congress in decades. It will help just about every citizen in this country and make America a much better place. We are not leaving until the job is done. The American people deserve nothing less. So let's get to work today.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that following the vote on the motion to discharge the Uhlmann nomination, the Senate execute the previous order with respect to the Milstein nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING BY 19 DAYS THE AUTHORIZATION FOR THE SPECIAL ASSESSMENT FOR THE DOMESTIC TRAFFICKING VICTIMS' FUND

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4785, which was introduced earlier today.

The ACTING PRESIDENT pro tempore. The Clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 4785) to extend by 19 days the authorization for the special assessment for the Domestic Trafficking Victims’ Fund.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask that the bill be considered read three times and passed and the motion to reconsider be considered laid and upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 4785) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. MCCONNELL. Madam President, now on an entirely different matter, a year and a half ago, Democrats misread a 50–50 Senate as a mandate for $1.9 trillion in party-line reckless spending. The result has been the worst inflation in 40 years. With Democrats in charge, working families are having to spend thousands of extra dollars each year just to tread water. Grocery costs are through the roof. Energy bills are skyrocketing. Gas prices are more than $1 higher than on Inauguration Day. American families are trapped in an inflation spiral, where many workers have earned pay raises on paper, but even those bigger paychecks buy them less and less every time they go to the store.

Because of the historic failure on the economy, the American people have lost their patience. Ninety percent say they are feeling anxious about inflation. Only 28 percent like what President Biden is doing about it, and just 26 percent think we will be in a better shape after another year of Democratic leadership. But, amazingly, Senate Democrats are misreading the American people’s outrage as a mandate for yet another—yet another—reckless taxing-and-spending spree. Democrats have already robbed American families once through inflation, and now their solution is to rob American families yet a second time.

Democrats want to ram through hundreds of billions of dollars in reckless spending—and for what? For a so-called inflation bill that will not meaningfully reduce inflation at all and will actually make inflation even worse in the short term; for a so-called economic bill that will kill American jobs and hammer our manufacturing sector; for a so-called climate bill that will have no meaningful impact on global temperatures whatsoever; for a so-called prescription drug bill that will not meaningfully lower drug prices; for a prescription drug bill that will make it illegal to raise the price. Let me say that again. The government can’t actually make something cost less by making it illegal to raise the price. The American people don’t want hundreds of millions of dollars in Green New Deal waste. They want less inflation, not more. American families don’t want tens of thousands more IRS agents. What they would like are more Border Patrol and ICE agents. American families don’t want Democrats policing what kinds of stoves and clothes dryers they can put in their homes. What they want is for Democrats to actually start policing our city streets.

Democrats have decided their first economic disaster justifies a second economic disaster. The working people of this country feel very, very differently.

Now, on a related matter. I want to dwell on Democrats’ plan to take a buzz saw to the research and development behind new lifesaving medical treatment and cures. The American people have enough common sense to know that the government can’t actually make something cost less by making it illegal to raise the price. This was the logic of college professors and socialists. It is not fair that a certain thing costs more than we like. Why doesn’t the government simply pass a law making it cheaper?

Well, the world would be a lot easier for everybody if things actually worked that way. It would be so much easier for the government if things actually worked that way. It would be so much easier for the government if things actually worked that way. The government can’t just vote to set the price of everything in America, snap our fingers and everything will be cheaper. It would certainly be easier for everybody if things actually worked that way. It would be so much easier for the government if things actually worked that way. The government can’t just vote to set the price of everything in America, snap our fingers and everything will be cheaper. It would certainly be easier for everybody if things actually worked that way. It would be so much easier for the government if things actually worked that way. The government can’t just vote to set the price of everything in America, snap our fingers and everything will be cheaper.

People want prescription drugs and complex medicines to be more affordable. Everybody wants to help struggling families. That is the goal we all share. But you know what would not achieve that goal? Empowering some Biden administration bureaucrat to sit down at a desk and arbitrarily set the price that manufacturers can charge.

Democrats’ policy would not bring about some paradise where we all get to see the full list of services offered by our Federal disaster response Agencies. The Federal Government has done an excellent job so far. The crisis is far from over.

Soon, I will visit the region myself to meet with flood victims and listen to their concerns, and then I will take what I hear from my constituents back to Washington and ensure we stand by their side as we rebuild bigger and better than before.

Madam President, now on an entirely different matter, a year and a half ago, Democrats misread a 50–50 Senate as a mandate for $1.9 trillion in party-line reckless spending. The result has been the worst inflation in 40 years. With Democrats in charge, working families are having to spend thousands of extra dollars each year just to tread water. Grocery costs are through the roof. Energy bills are skyrocketing. Gas prices are more than $1 higher than on Inauguration Day. American families are trapped in an inflation spiral, where many workers have earned pay raises on paper, but even those bigger paychecks buy them less and less every time they go to the store.

Because of the historic failure on the economy, the American people have lost their patience. Ninety percent say they are feeling anxious about inflation. Only 28 percent like what President Biden is doing about it, and just 26 percent think we will be in a better shape after another year of Democratic leadership. But, amazingly, Senate Democrats are misreading the American people’s outrage as a mandate for yet another—yet another—reckless taxing-and-spending spree. Democrats have already robbed American families once through inflation, and now their solution is to rob American families yet a second time.

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amazing new innovations we would have gotten anyway, but at a lower cost. Their policy would bring about a world where many fewer new drugs and treatments get invented in the first place as companies cut back on R&D.

By one analyst, if Democrats’ price-fixing scheme had already been in place, 10 of 110 major new medicines released in the past decade may never have made it to the market. We would literally have fewer lifesaving cures and treatments. More Americans would die and die young under Democrats’ policy. And the new drugs that did still get invented would be more expensive when they hit the market. That is according to the nonpartisan Congressional Budget Office.

During the Obama administration, I worked with then-Vice President Biden on a project he was especially passionate about. I was proud to help launch his Cancer Moonshot within the 21st Century Cures bill. But according to one expert’s calculation, the bill President Biden wants Senate Democrats to ram through this weekend would reduce cancer research spending by more than nine times as much as our Cancer Moonshot expanded it. I will say that one more time. According to one expert, this far-left takeover of America’s medicine cabinets would destroy nine times as much cancer funding as we provided with the Cancer Moonshot.

We are talking about a tidal wave of Washington meddling, wiping out future treatments and cures for Americans suffering with rare diseases. What a terrible, terrible, and tragic part of their reckless plans.

VOTE ON MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the question is on agreeing to the motion to discharge.

Mr. DURBIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from North Carolina (Mr. BURRE), the Senator from Arizona (Mr. DAINES), the Senator from Montana (Mr. HAWLEY), the Senator from Kansas (Mr. MARSHALL), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. Sasse), the Senator from South Carolina (Mr. SCOTT), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Missouri (Mr. HAWLEY) would have voted “nay” and the Senator from Kansas (Mr. MARSHALL) would have voted “nay.”

The ACTING PRESIDENT pro tempore.
Mr. DURBIN. Madam President, first, let me say I am joining in with the action just taken by the Senate, led by Senator Coons, who has shown an extraordinary gift of understanding of the importance of the African continent and the people that need to be part of it.

I wholeheartedly support the effort which he initiated on the floor this afternoon. And I believe that Dr. Muyangwa is going to be a valuable asset to AID and to Africa, and I thank him for his leadership in bringing this issue before us today.

INFLATION REDUCTION ACT OF 2022

Mr. DURBIN. Madam President, the United States has done some good, important, even historic work this week. On Tuesday, we passed the PACT Act, expanding VA healthcare to an estimated 5.2 million veterans. Our service to our Nation exposed them to potentially deadly toxic chemicals from Agent Orange in the Vietnam conflict to toxic burn pits, which were found to be ubiquitous in Iraq and Afghanistan.

It took too long: 12 years. Toxic exposure victims and their family members had to stand on the steps of the Capitol, literally camped out for 5 days and nights to remind us that the veterans suffering from toxic exposure deserve care as surely as veterans injured by bullets and bombs.

And in the end, thank goodness, we did the right thing. The vote to pass the PACT Act was 96 to 11—86 votes in a 50-50 Democratic/Republican Chamber. It was a remarkable, bipartisan victory.

And then we made history this week when the Senate voted to ratify the entry of Finland and Sweden to NATO. Vladimir Putin gambled that Russia could seize Ukraine in just a few days, could use his victory to shatter NATO’s unity and to deepen divides around the world.

Vladimir Putin, again, was dead wrong. NATO is more united, larger, and more powerful than ever, while Vladimir Putin has become an intercontinental pariah. Russia’s military is bogged down in Ukraine, suffering heavy losses. And the Russian economy is staggering under the weight of global sanctions imposed by the freedom-loving nations of the world against Russia.

The Senate vote in favor of enlarging NATO to include Sweden and Finland was 95 to 1—95 votes in favor of it in a body that is divided equally, 50-50. Two major achievements in just 2 days, both with huge bipartisan majorities. That is proof for the doubters that the Senate can work together when the need is urgent and the solutions are just.

Now we are debating another historic plan that should have the support of both parties. I listen to the speeches each day on the floor of the Senate. And every day our Republican colleagues stand on the floor and say it is about time we did something about inflation. They know that is exactly the way the American families feel—and I feel, as well. And then, sadly, when given a chance, as they will be in just a few minutes, my Republican friends drop every barrier that will lower the cost and give American families a break on their cost of living.

All the speeches notwithstanding, they refuse to vote for a provision which will actually lower families’ living costs. They oppose putting direct money in their pockets. They oppose cutting taxes for families. They oppose banning price gouging by oil companies. They oppose cutting healthcare premiums. They oppose extending the Child Tax Credits. They oppose lowering prescription drug prices. But we are going to give them another chance to do the right thing.

They are going to have a chance to actually lower some of those big ticket costs which they gave all their speech about—and listen to this bonus—reduce the deficit at last, yes. Yes, the Democrats have a proposal which will reduce our national debt by $300 billion. Our plan is called the Inflation Reduction Act. It does exactly what it says and even more.

You can’t miss on the news the terrible things that have happened in the Commonwealth of Kentucky in the last week. Horrible things. Thirty-seven people—at least 37 people—have lost their lives with the flooding in that State. They go to these remote, rural villages. It just breaks your heart to look at the devastation.

And the reporters go to families still, I guess, trying to get back on their feet, trying to imagine tomorrow and you have interviews at many times, the people are clearly in pain and distraught over their personal losses.

There was one man I remember yesterday, particularly. He did not appear to be the kind of person who spends a lot of time thinking about Congressional issues or even great political issues. He was a fellow, a hardworking fellow, who just lost his home. And you know what he said? He said: This is climate change; what you are looking at here is climate change. I have lived in this town for 30 years. I have never seen anything like that. And I can’t imagine if it comes again.

For him to use the words “climate change” was an eye opener for me, because it means that he is sensitized to the reality that we face in this world. Extreme weather has become the norm in our country, whether it is an extreme drought, an extreme flooding situation, more tornadoes than ever at different times of the year. The list goes on and on.

Some people think it is just God being restless. I think there is more to it. I think we—those of us who inhabit...
this planet Earth—bear some responsibility.

The question is, will we give speeches, will we lament these extreme weather events, or will do something? That is why this bill that is coming up today and yesterday and today, the amendment, is so important. We can’t allow our energy and national security to be dictated by some foreign power or some foreign leader like Vladimir Putin or anyone else who doesn’t share America’s interest.

The Inflation Reduction Act, which is coming before us, invests in clean, new American energy sources so that our future can be determined by American ingenuity, not by some foreign cartel or some Kremlin kleptocrat.

Earlier today, the Senator from Kentucky came to the floor and talked about the EPA police checking on whether people are buying certain products or have them. They produce that. That isn’t what this bill is about at all. Incentives are there. And I—just from a family point of view—am going to take a look at it. Is it time for my family to buy a heat pump? I will take a look. And credits, tax incentives could be an incentive for me to make that decision with my family and my wife. And that is all that we are offering—incentives for people to choose the right things, the environmentally smart things to deal with climate change.

The more energy solutions we discover, the cheaper our energy bills will be. Importantly, the Inflation Reduction Act enables the United States—listen to this—to cut greenhouse gas emissions by an estimated 40 percent by the year 2030.

We have a lot of young pages here who come and work in the summer. We are glad to have them. They brighten up the place, and their energy is a sight to behold. They probably listen to this debate and wonder if these grasping politicians, these Senators and Congressman, really do care about the planet and are going to do something, raising their own families, building their own futures. Well, this bill is an indication we do care. And to reduce greenhouse gas emissions not only does the right thing for America, it sets an example for the world. Despite all the excuses, there is no excuse for ignoring climate change, as that poor fellow down in Kentucky made obvious.

For anyone who still says global warming and I guess I guess I am a handful of those folks left—or admits that it is real and says we just can’t afford to fix it, know this: The costs of ignoring the climate crisis are far greater than dealing with it.

A report by the Office of Management and Budget warns, if left unchecked, climate change could reduce our Nation’s gross domestic product by 10 percent and cost Americans $2 trillion a year by the end of the century. --$2 trillion in the production of goods and services.

To put that in perspective, that is about a third of the entire U.S. budget this year. And in case you are dismissing these warnings because they happen to come from a Democrat or from the Biden administration, maybe you should listen to Deloitte—a well-known accounting firming in this country—their center for sustainable management and a report in May estimating that left unchecked, climate change will cost the global economy $17 trillion for the next 50 years. If rising sea levels don’t swamp us, rising costs of ignoring climate disasters very well may.

The Inflation Reduction Act will enable us to make reasonable changes now that will pay for themselves many times over. It will also cut families’ healthcare costs in four important ways. First, we extend the enhanced Affordable Care Act subsidies for 13 million Americans for 3 more years.

I was so surprised to read recently that there are still 8 million Americans uninsured. There should be none. And our goal is not just to make such a dramatic progress by a third to half the number of people uninsured since the passage of the Affordable Care Act.

Have you ever had a young child in your family who was sick and you worried because you had no health insurance as to whether they would be seen by the right doctor, the right hospital? I went through it. It happened right after our first child was born. We didn’t have health insurance and felt more vulnerable, and I never had an emptier feeling when it came to being a father caring for his child as to not have health insurance and worrying about that. I don’t think any family should ever have to go through that. It is an experience I will never forget.

Second, our plan allows Medicare to finally negotiate fair prices for prescription drugs. I listened to the Republican leader on the floor this morning talking about what a terrible idea that is.

Well, I just want to suggest to him, we have been doing that at the Veterans’ Administration for years. They have been negotiating pharmaceutical prices so that our veterans get affordable drugs and taxpayers get a break and don’t have to subsidize them. That, to me, is just common sense, and it is humane. The notion that we are going to extend that to Medicare recipients is not a radical idea. It involves something that we think is fundamental to the free market economy: competition.

If these pharmaceutical companies want to sell their drugs to the Medicare recipients, we say to them, let’s negotiate, on a certain number of those drugs, reasonable prices. I strongly support that.

Now, some people say that is too much government, government stepping in there and trying to establish the prices that will be paid for these pharmaceuticals. Well, those same people say to the same pharmaceutical companies that are raising these objections: Look what you are doing today in Canada. You take exactly the same drug made here in the United States, sold to Americans at an inflated price, and sell it at a deep discount to people living in Canada. Why do you do it? Is it out of the kindness of your heart? No. The Canadian Government has stood up and said, no, not going to gouge Canadian families. Yes, we would like to have your pharmaceuticals and, yes, we will put them in our formulary, but you cannot dictate the prices to us. We are going to negotiate these prices. Pharmaceutical companies sat down and did it—not just in Canada but in Europe.

When you say the same thing in the United States, that they treat Americans and those under Medicare the way they treat Canadians, you have the Senator from Kentucky coming to the floor and calling it a college sophomore socialist answer. I don’t think so. I think it is just common sense.

For new drugs and new products are some of the most profitable companies in the United States are some of the most profitable companies in the United States year in and year out. They make money hand over fist. And I am glad they do, in many respects, because they can invest that money in the next generation of drugs.

You say to yourself: Wait a minute. If you are going to give them less for the product, they will have less for research. Not necessarily because there is something that you ought to remember. I think there is very important. I want to make sure I get these figures right. The big pharmaceutical companies today spend more on advertising than on research.

I give you a couple of examples. Bayer, one of the makers of Xarelto—you have heard that one, haven’t you, on TV—spent $18 billion on sales and marketing, $18 billion. How much did they spend on research and development? Eight billion. More than twice as much of the research budget went to be spent on marketing and television advertising.

Incidentally, the United States is only one of two nations in the world that allows direct-to-consumer drug advertising. The other one is New Zealand, if you can imagine. They put all this money on television advertising. The other one is New Zealand, if you can imagine. They put all this money on television advertising. The other one is New Zealand.

Well, I just want to suggest to him, they are not the only ones. Johnson & Johnson—that is a pretty well-known company. They spent $22 billion on sales and marketing. How much, if they spent $22 billion on sales and marketing, did they spend on research? Twelve—twelve. Do you see a pattern here?
To be fair, not all of pharma’s big bucks go into TV ads. Over the past 5 years, the 14 largest drug corporations spent more on stock buybacks lining the pockets of their CEOs than on R&D. Remember what I just said. They took their profits, turned them into stock purchase options, and the wealthier people in America got a better balance sheet. Money that could have gone into research for new drugs, they diverted into profit-taking. So this notion about saying that Medicare should be able to negotiate drug prices—that the wealthiest of the wealthy drug corporations are just making it so that the pharmaceutical companies are just making a profit. What is that Agency? The National Institutes of Health. It does the basic research by the Federal Government, paid for by American taxpayers—billions of dollars—and makes it available to pharmaceutical companies to develop the next generation of drugs. That is as it should be. But this notion that the pharmaceutical companies are just making it on their own and their own skills goes way beyond the obvious. NIH is helping very much.

We want to cut healthcare costs to make sure as well that seniors cap their out-of-pocket prescription drug costs at $2,000 a year, and $2,000 a year is still a sacrifice for many seniors, but it is a reasonable amount. We know what is happening now. Many seniors have drugs that they are supposed to be taking. They can’t afford to fill the prescriptions or they take half the dose when they should be taking a full dosage. What is the reality of the prescription drug pricing in America.

Is it a serious problem? Well, just ask Blue Cross Blue Shield in Chicago, and I have: What is the impact of these inflated prescription drug prices on healthcare premiums? Blue Cross Blue Shield said to me that it is the No. 1 driver of increased health insurance premium costs, the cost of prescription drugs. So when we start bringing down these costs, we are also going to create a situation where we have less incentive to increase premiums for health insurance.

Fourth, we penalize drug companies if they raise the price of prescription drugs more than the rate of inflation. That was another on the list of sophomores in college socialist ideas, according to the Republican leader on the floor this morning. Well, I think he is wrong. We know what happens to the price of prescription drugs when the wealthy get their way. They just don’t go up with the cost of inflation, they go up by multiples that reach the point people can’t afford to pay it. That has to come to an end.

Five years ago, Republicans used this same process we are using called reconciliation to pass a nearly $2 trillion tax bill that overwhelmingly benefited big corporations and the wealthiest in America, and put the whole boondoggle on the credit card. It was unpaid for—tax cuts unpaid for. They claimed their tax cuts would pay for themselves. Dynamic scoring, they called it. Instead, they blew up the national debt.

Our plan is paid for, and here is the bottom line: No one in America—no one earning less than $400,000 a year—is seeing any increase in their taxes. Now, the Republicans say: Well, if you raise taxes on the wealthiest people, it is going to hurt the poorest people. When it gets right down to it, many of these corporations are extremely profitable—a billion dollars a year in profits and pay no Federal taxes. What is wrong with this picture?

The average American family is paying their taxes, as the law requires, and yet these corporations have found an escape hatch to avoid paying any taxes whatsoever. If they pay any taxes, they are going to hurt the poor families. The poor families are doing their part to pay their taxes. It is time these wealthy individuals and corporations did the same.

Instead of adding to the national debt, as our Republican colleagues did with their tax cuts for corporations and the wealthy, our proposal that we will vote on today will reduce the deficit by $300 billion. That is on top of the $1.7 trillion we have already cut in the long run. In the short term, we are fighting inflation by lowering the cost of energy and healthcare, two of the biggest ticket items in family budgets.

And lastly, Senator MCCONNELL and our colleagues seem to have developed a great respect for the economic wisdom of former Treasury Secretary Larry Summers. I can’t tell you how many times Senator MCCONNELL has mentioned Larry Summers’ name as if he is the great leader of all the great thinkers in the economics field in America. Let me tell you what Mr. Summers happens to say about our plan that we are going to vote for today and that all the Republicans are going to oppose. He said:

This bill is fighting inflation. He also said:

This is an easy bill to get behind. We didn’t hear that this morning when Senator MCCONNELL came to the floor and talked about his view of this bill. Larry Summers was his expert previously. Now he is ignoring when Summers says we ought to vote for this bill to reduce inflation. Do our Republican friends really want to tame inflation and help families with energy and healthcare or just come to the floor and complain? That is the choice they have. If they want to help, we have a plan. It is fair; it is paid for; it fights inflation; and it lowers the deficit. Wouldn’t it be great if they would join us in a bipartisan effort to pass this at this moment in history? I think what America is waiting for is a bipartisan plan. I am looking for. I hope that a number of Republicans will surprise us and join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

INFLATION REDUCTION ACT OF 2022

Mr. CORNYN. Madam President, it is good to be back in the Senate. Like a number of my colleagues, after dodging the virus for 2 years, it finally caught up with me last weekend. I spent a week in quarantine and, fortunately, experienced only mild symptoms. I think that is because I was fully vaccinated and boosted and I was glad to have the help of modern science on my side.

There is never a good time to be away from our work here in the Senate and we all have a duty to keep those around us safe as well, no matter how inconvenient. Unfortunately, there are reports that our friends across the aisle may be intentionally disregarding that responsibility. I am deeply concerned by public reports that our Democratic colleagues have adopted a “don’t test, don’t tell” policy to ensure full attendance today.

Allegedly, they are more concerned about ramming through Senator MANCHIN’s tax hike than following CDC guidelines to protect not only each other but the staff members, the Capitol Police, custodial staff, food service workers, and countless others who keep this institution running. These folks could have any number of other health conditions that could lead to more severe COVID experiences than, for example, I had or they could be caregivers for young children or elderly relatives who have a high risk of serious illness.

I sincerely hope these reports are not true. I hope our Democratic colleagues are not selfish enough to put so many people at risk in order to pass this massive tax-and-spending spree. If any of our colleagues are suffering COVID symptoms, they should do what I did. They should get tested, period.

We know that as soon as this evening, the Senate is expected to vote on Senator MANCHIN’s and Senator SCHUMER’s massive tax hike on middle-class families. You can call it the Manchin-Schumer tax hike of 2022. It sprung to life, unbeknownst, I believe, to virtually all the Democratic Senators, except for Senator MANCHIN and Senator SCHUMER. And no one has seen this massive tax hike until we write something on later today, even our Democratic colleagues. No one has seen the final product. Once the so-called Byrd bath has
been undertaken by the Parliamentarian, this will be a substitute bill that Senator SCHUMER will lay down, but nobody has seen it.

When the senior Senator from West Virginia announced this bill last week, among the first to speak was a Republican who was shocked and, from my view, most Democrats were as well. My private conversations with many of my Democratic colleagues said: Boy, that does not look good to be working so closely together on a bipartisan bill only to have it go down on everybody surprise. It looks like they were trying to pull a fast one. After all, Senator MANCHIN did put the kibosh on the opportunity just a few weeks ago. Privately, his Democratic colleagues assured me this was not happening. But then the Senator from West Virginia has engaged in a gigantic Olympic-worthy flip-flop. Senator MANCHIN will tell you this bill is completely different from "Build Back Broke," but it is not.

We should take a look at some of the elements of this legislation. "Build Back Broke" was a roundup of expensive, disorganized programs, including job-killing tax hikes, which would leave hard-working American families without a way to earn a paycheck. Green New Deal climate policies that would hurt our energy security and drive up costs through the roof, taxpayer subsidies for wealthy people buying expensive cars and SUVs.

I was listening to the majority whip, the Senator from Illinois, talking about these businesses that are making too much money and so they need to pay more in taxes. That is what I have come to expect from our Democratic colleagues. They are kind of a "Robin Hood" party—take from the rich, give to the poor. Except here, this is a reverse Robin Hood. They are taking from middle-class families who can't afford to buy expensive vehicles and giving a tax subsidy to wealthy people who can afford to buy them but are helped with the $7,500 taxpayer subsidy. So you might call that a reverse Robin Hood.

Then they want to supersize the Internal Revenue Service with even more manpower and authority to track everyday American people and perform. I presume, many, many more audits, not just on the rich and famous but also on middle-class Americans.

And then there are the special handouts to powerful friends of the Democratic Party. This isn't the type of legislation that will bring our economy roaring back to life or cool inflation. In fact, that is the first place that this bill is misrepresented. They are calling it the Inflation Reduction Act, but nobody believes that. In the near term, it is going to have a single impact, at all, on inflation. That is what Penn Wharton said. For the next 2 years, they said, it may actually make inflation worse, but it is a negligible amount. But the one thing we are sure of is that it sure won't go down.

So it is not an "inflation reduction act." It is really an insult to the intelligence of the American people to think that you can spend this money and you can tax individuals and businesses during a recession—something everybody from Bill Clinton to Barack Obama, to CHUCK SCHUMER, to JOE MANCHIN has said you don't do, which is raise taxes on everyday taxpayers—but that is exactly what this bill does.

Higher taxes, bigger government, more inflation, and fewer jobs—this is a bill whose time has not come. No wonder when this bill was originally proposed as Build Back Better, Senator MANCHIN opposed the bill.

So let's see what he and Senator SCHUMER wrote in secret behind closed doors and then sprung on the American people. And, again, we haven't even seen the final product yet, but it seemed like the Senator from West Virginia hadThis will be a purely partisan exercise, after I think we did a pretty good run of bipartisan cooperation, and I have been proud to be a part of that. But this is a complete reversal of sort of the spirit of bipartisan cooperation that we have seen, frankly, all summer long, which has produced some pretty good legislation.

Well, there are tax hikes that will leave hard-working Americans poorer.

Not only will inflation be roughly 9 percent, which it is today—meaning that for every $100 you earn, you are only going to get $91 in purchasing power—in addition to that, the Joint Committee on Taxation said the impact of this bill will mean that individuals earning as little as $10,000 a year will see an increase in their tax burden, because you can't spend this much money, you can't tax this many people without it having some trickle-down effect on taxpayers, certainly those who earn less than $400,000, which was President Biden's pledge. And I heard the majority leader say that again and, again, we haven't even seen the final product yet, at all. And, I believe, the majority whip, too, but this is not true.

The Joint Committee on Taxation is the entity here—nonpartisan entity—which provides the final word on those issues. So notwithstanding the denials of the majority leader and the majority whip and others, the Joint Committee on Taxation said that taxpayers earning as little as $10,000 will see their taxes go up—maybe not their income tax, but they will be poorer as a result of this bill.

Again, part of that is because, in addition to inflation, in addition to additional tax burden, you are going to be asking them to pay taxes to subsidize wealthy people to buy electric vehicles or to subsidize people's health insurance, even though they make well above the 400 percent of poverty cap on poverty cap for the entity here—nonpartisan entity—of the Affordable Care Act. That cap has been lifted now as well.

We will see what the final product looks like, but the earlier provision showed that people earning up to as much as 750 percent of poverty would only be helping people pay for electric vehicle subsidies for their health insurance.

Well, Senator MANCHIN and Senator SCHUMER may have slapped a new name on Build Back Better or "Build Back Broke," but all of the essential elements are still there: tax hikes on families, the Green New Deal, massive electric vehicle subsidies.

Oh, and here is another thing. A lot of the American car manufacturers said we may not be able to access these tax credits because 70 percent of the components that go into electric vehicles are made in other countries, like China. That is how slapdash this bill was put together. If more time, more deliberation, more debate, more bipartisan deliberation, more bipartisanship, and more time, we could have come up with something that would make more sense.

But this is what happens when you get in a big hurry. You make mistakes and do things that make zero sense, that you would think would be self-defeating. And, for example, asking them to pay taxes to subsidize the purchase of a car? Everyone would think that a reverse Robin Hood.

The people at Penn Wharton said the Manchin tax hike bill would increase inflation slightly in the short term and cause it to stick around for 2 more years before it would have any impact. That is what you are going to tell hard-working American families: You are being priced out of your favorite grocery store or you can't afford to fill up your car? Just wait 2 more years.

Well, if the Democrats are successful in passing this bill with purely Democratic votes, there will be an accounting, and there will be a comparison by the economists, which I think will tell us that if we pass this bill, it would reduce inflation, and let's see what inflation looks like in November of 2022. I am not wishing for higher inflation. I hope inflation will go down. But this is exactly the outcome of what you ought to do if you want to reduce inflation to restore people's purchasing power.
changes—going on even as I speak, which is the reason none of us have seen the final product—but we are unlikely to see those final changes before Sen. Schumer asks us to vote on the bill. But still Sen. Schumer said he expects the Senate to fall in line and to vote for this legislation within a matter of hours. They haven’t seen the bill either. I have to imagine that Democrats in both the House and the Senate are pretty unhappy with this process.

Experts have analyzed this bill and said it raises taxes on families, and it will have an adverse impact on jobs and keep inflation high—certainly not cut it—but the top Senate Democrat expects his colleagues to ignore these warning signs and to vote for it any way.

Like I said, all of us are held accountable by the voters at election time. And I guess ultimately that is what our colleagues are saying about—what is it will be about political accountability?

On average, there have been about 40 amendments in a so-called vote-arama, which we are all familiar with, which we will probably debate later on tonight. Our colleagues said: Well, there may be some amendments I would like to vote for, but I am going to vote against them because I want to make sure we get this bill across the floor; no matter how ugly the process, no matter what is in it.

Well, Democrats have tried and failed to convince the American people that the biggest problems facing our country aren’t really problems at all or certainly their problem.

Despite all the obvious warnings, the Biden administration officials insisted that inflation was transitory, that it is temporary, won’t last long. Now they even want to redefine what it means to be in a recession even though we have experienced two consecutive quarters of negative GDP—gross domestic product—growth, which is the textbook definition of a recession.

People in Washington, across the country know better than to believe this sort of sleight of hand. Despite what our colleagues are saying today, this bill will increase taxes on families earning less than $400,000 a year. It will stifle medical and pharmaceutical innovation and prevent new lifesaving cures from being discovered. It will threaten our economy and our energy security at a vulnerable moment when we are in a recession.

And it won’t do a darn thing to ease the loss of purchasing power due to historically high inflation rates—the highest in 40 years—that consumers and all Americans are experiencing. It can’t be true that the shell game of spin or fast talking can conceal the damage this bill will inflict on the American people.

Sen. Manchin likes to say: ‘If I can’t go back home and explain it, I can’t vote for it.’ But for the life of me, I don’t know how our Democratic colleagues are going to explain this one in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator Schumer be recognized at 4 p.m.

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

INFLATION REDUCTION ACT OF 2022

Mrs. MURRAY. Madam President, I go back home to Washington State every week, and I talk to young people in Seattle who are urgently calling for bold climate action. I talk to families in Yakima County who are deeply concerned by a wildfire season that gets worse every year and parents in Vancouver who are trying to figure out how they can afford their kids’ medication and make ends meet.

Washington State has seen droughts and wildfires and floods and heat waves that literally made our roads buckle. Families desperately need us to tackle rising costs and rising temperatures because we cannot build a stronger economy if we do not build a more sustainable economy, and that is why we need the Inflation Reduction Act. It will reduce costs for families, it will reduce emissions, and it will even reduce the debt and deficit.

The climate investments in this bill are, in a word, historic. They won’t just bring down carbon emissions by a whopping 40 percent; they will help us establish real energy independence from dirty fossil fuels and foreign adversaries. They will save lives by reducing air pollution and supporting conservation efforts happening in rural Washington State right now to prevent methane leaks and protect families and address the climate crisis.

This legislation will make historic, first-of-its-kind, economy-wide investment in clean energy that will create millions of good-paying clean energy jobs, including in Washington State, and it will bring down families’ energy costs for people who are struggling to keep the AC on in the summer or the heat on in the winter or lights on year-round. It will help weatherize homes and install energy-efficient appliances and heat pumps and rooftop solar panels and more.

This bill will offer huge cost savings for clean or electric vehicles, new or
used, and give companies a good reason to build more of these cars in America. We aren’t just cutting energy costs, though. No one should have to worry about whether they can afford the healthcare they need, but I have heard from countless patients who worked their whole lives and saved every penny, but still had to work an extra job or move in with their family or even ration their prescription just to make ends meet.

Lifelong medicine doesn’t do any good if people can’t afford it. That is why this bill will finally give Medicare power to negotiate. We are going to force drug companies to the bargaining table, and patients everywhere are going to benefit. It will also cap seniors’ annual drug costs and cap insulin at $35 a month and protect patients from companies that are jacking up prices on them with reckless abandon. It extends the healthcare coverage relief that helped millions of people save thousands of dollars on their healthcare this year.

This isn’t just saving people money; this is going to save lives—patients who are rationing their prescriptions, afraid to see their doctors not because they are afraid of getting a diagnosis but because they are scared of the price tag. If that is not the goal when we come to work every day, then I don’t know what is.

But the Inflation Reduction Act won’t just bring down families’ everyday costs; it will bring down the deficit by more than $300 billion because every cent of this bill is paid for by closing loopholes used by enormous corporations. There is no reason a company making a billion-dollar profit should pay a smaller tax rate than a mom-and-pop shop in Washington State or a firefighter or a teacher in Walla Walla, WA, so Democrats won’t let it fly any longer.

These big billion-dollar companies? They are going to pay no less than the same 15 percent in taxes that many of our small businesses already pay. Those stock buyback schemes that line the pockets of corporate executives and Wall Street investors but do nothing for working families? They are going to be taxed so companies pay their fair share. As for everyday Americans, they won’t see their taxes go up one penny.

Make no mistake, the Inflation Reduction Act represents historic progress. There is simply no reason anyone should be against these policies and many reasons to get this done now.

This is not a bill for Democrats or Republicans; it is legislation that will help all Americans—lowering prescription drug costs, making healthcare more accessible and more affordable than ever, and pass the largest investment in climate action in our country’s history—all paid for.

CHILD CARE

Mrs. MURRAY. Madam President, but for everything good this bill accomplishes, we have not yet addressed a critical issue families face today: access to high-quality childcare.

There is a childcare crisis in this country, and the time to address it is now. There can be no more excuses. We cannot simply pass this package and call it a day. Our childcare system isn’t just stretched thin; it is broken. Talk to parents, talk to businesses, talk to anyone, and it is painfully obvious that our childcare system isn’t working for families, providers, or our economy and hasn’t been for some time.

Right now, families from Seattle to Spokane are stressed. They are staying up late at night, trying to figure out how on Earth they are going to find a childcare opening or how they are going to afford it if they ever get off a wait list. When they can’t find and afford childcare, as is all too often the case, parents—moms in particular—have to leave their job and stay out of the workforce while the childcare workers are being paid poverty wages, struggling to make ends meet and provide for their own families, and they are leaving their jobs for better paying work at fast food chains and big box stores, which pay them more than their childcare position.

We have to do better for kids, for moms, for workers, for our economy, for everyone, or this is just going to keep getting worse.

I know all of my colleagues have heard me say this before—you have probably heard me say it 100 times—but I want to be clear: The childcare system is on the brink of collapse, and parents are telling us every single day this is an urgent crisis.

The emergency support that we did provide in the American Rescue Plan was hugely helpful, but it is going to run out, and soon, and families who are already at their wits’ end will feel the pressure.

So we need to lower the cost for families as we fight inflation. We need to expand parents’ options so they can go back to work and support the childcare workers caring for and educating our kids each and every day. Now, I have been putting forward proposal after proposal to do exactly this, and I am working with anyone I can to make progress here because this isn’t a “my way or the highway” proposal. It never was. I have always known that is not how I operate. What I am talking about here is delivering a lifeline to kids, to moms, to our childcare industry, not to mention the businesses and industries that desperately want to hire more workers.

I am deeply disappointed that Congress has failed to meet this crucial moment for our families and our childcare providers, so let me just say this: I have been fighting for childcare my entire career, since before I ever got here, and Senate. In fact, for a very long time, I was the only person in the room fighting. So I am not going to stop anytime soon.

And guess what. I am not the only one fighting today. There are parents and advocates across the country who are fighting for this, who know how critical this is for our families. There are small business owners who understand how critical this is to strengthening our economy—real people, not some army of invisible lobbyists. So I am here right now to be a voice for them, and I am asking everyone here in Congress to step up and speak for these families too. We have to get this done.

Let’s make this law to address this urgent crisis before it is too late.

So I want everyone to know I am going to stay in this fight for moms and for our kids, and you better believe, one day, we are going to win this.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, well, first, I want to thank my dear friend and our great leader and chair of the Health, Education, Labor, and Pension Committee for her positive words on this issue. I want all of us to know that our work is not done and particularly for her work on one of the most urgent issues facing American families: childcare. I don’t know of a single Member of this Senate, Democrat or Republican, who has done more than the senior Senator from the great State of Washington, and I thank her for that.

I want to thank my colleagues Senator Kaine and Senator Blumenthal, who have also been such strong leaders on this issue.

I am here to say that what they are saying—Senator MURRAY, Senator BLUMENTHAL, Senator Kaine—is right. We need to do something in this country to lower childcare costs and increase its availability. I pledge to my colleagues and to the American people that I will keep working with Senator MURRAY until we get something done to increase access to high-quality childcare for working families.

We all know that, today, families pay more for childcare than at any point in American history. Amazingly, sometimes families have to pay more for childcare than they pay for a mortgage. It is out of reach.

Some people forget how the world has changed. When I was a kid, my dad had this little junky exterminating business. My mom was what was then called a housewife. I got home from school every day at 3 o’clock, and there was Mom with milk and cookies, asking me what homework I had—oh, I don’t have any homework, Mom—and telling me what time I had to come back home from going out and playing in the sandbox.

That doesn’t happen anymore. The vast majority of families in America are either single parent or two parents,
both working. The percentage that have two parents, only one working, is minimal. So childcare is now a necessity. It is a necessity for families.

The anguish people go through to try to find childcare, and then when it is not available, trying to figure out what they do going to do? They are both working and scrambling. Who is going to watch the kids? It is agony. It is not this kind of agony that comes, you know, God forbid, once in a lifetime when you get a serious illness, but it real worry and anxiety. We have to do something.

There is another reason we have to do something: our economy. You read all of the economic experts. We are short of labor. We are short of labor. You go to any business—small, medium, big—they are short of labor.

Probably the No. 1 or No. 2 reason in the whole country we are short of labor is we don’t have adequate childcare. Moms or dads don’t want to go to work because they don’t know who is going to take care of the kids. Moms or dads stay home or retire or whatever. So our economy desperately needs this. When parents can’t enter the workforce—particularly women—our country suffers as a result, and productivity is greatly diminished.

Of course, there are other issues to deal with in this economy as well that are related. Home- and community-based services. People need a roof over their heads. We need to support families through paid leave. We need to make sure that every child in this country has a chance to grow and reach their potential, not in poverty. All of these issues are important. Childcare is so important—it is so important.

So I want to first thank again Senator MURRAY for her words. I want to thank my colleagues. Two of our leaders on this issue, Senators KAINE and BLUMENTHAL, are here today.

We want to pledge to the American people that we are going to keep working until we get something done in childcare, and we will keep fighting for all these issues to expand opportunity for all Americans. It is so, so vital to the future of our country and to the wellbeing of families across the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

CHILDCARE

Mr. KAIN. Madam President, I am so pleased to be on the floor today to join with Senator MURRAY, Senator SCHUMER, and Senator BLUMENTHAL to talk about the critical importance of childcare.

I will speak in about 40 minutes about a piece of this bill, the black lung program, which is really important to the State of Virginia, but, like Senator MURRAY, I share a sadness that childcare is not included in this bill because this is what I am hearing from Virginians: Even before the pandemic, there was an inadequate supply. People working in this field weren’t being paid enough. Parents are having to pay too much.

It is a market failure, and we have to fix it. This bill doesn’t, and so we will need to do something about. We have to do something until we get something done in the future of our country and to the future of all Americans. It is so, so vital to all these issues to expand opportunity for childcare, and we will keep fighting for it.

There has never been anyone in the history of the U.S. Senate who has been as passionate an advocate for childcare as the senior Senator from Washington, Senator MURRAY. She sort of swallows because she is a modest person, when she said: I cared about this from before I got here. Her colleagues know and Washington-tonians know, but all Americans might not know, that Senator MURRAY was an early childhood educator before she came to the U.S. Senate. So this is a passion that drove her career before she was here, and she hasn’t left it behind, not for one second. So when she says she is going to stay on this until it gets done, she will.

I am very pleased to be a HELP Committee member under her leadership and to help her on this, and I have a personal interest in this too. I have three children. My middle son, Lin, went to Carleton College. Phi Beta Kappa graduate, and he works as a pre-K classroom aide in Minneapolis. This is how he has chosen to make a difference in the world around him, by working as a classroom aide in a pre-kindergarten program. And I know from my discussions with my son, who just turned 30 a couple of weeks ago, how important the work is and how poorly paid it is, and how parents struggle even to afford sending kids to a childcare program, where the workers don’t get paid very much.

So this really is a classic market failure, and I think about Lin as I advocate for this. And I also had a chance to think anew, Senator MURRAY, about the importance of a priority.

A good number of other days was that the American unemployment rate is the lowest that it has ever been in 50 years at 3.5 percent, and we all are hearing employers saying: But I can’t hire people. I can’t hire people.

There are millions of Americans who could be in the workforce, filling up these jobs that employers are looking to fill, but are not in the workforce because of a lack of affordable childcare. So it is important for kids, it is important for families’ pocketbooks, and it is important to providers themselves. But our economy does not work in the way that it should if we don’t have affordable childcare options. So I pledge to work together with my chair on this issue until we get it done.

TRIBUTE TO KARISHMA MERCHANT

Mr. KAIN. Madam President, the last thing I need to say is a thank-you. I have a sufferer in the room, Karishma Merchant, who has staffed me on the HELP Committee since before I was on the HELP Committee, and she is leaving me to take a wonderful job at Jobs for the Future to continue her passion for workforce and education.

She has helped me on childcare, on issues battling campus sexual assault, career and technical education, and teacher training. Everything I have done in the education and workforce space and on the committee has been because I had a fantastic staffer point- ing me in the right direction. She is here in the Chamber, and I want to finish by expressing my thanks to her. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

INFLATION REDUCTION ACT OF 2022

Mr. BLUMENTHAL. Madam President, I am so proud to be here today to have accomplished very significant improvement in people’s lives. It is an agreement where some people get some of what they want and others don’t get what they want. And one point where I think a number of us wanted to advance is the cause of childcare, and we see an absence.

But it is a compromise, like many measures that we have passed that have accomplished very significant improvements in people’s lives. It is an agreement where some people get some of what they want and others don’t get what they want. But listening to Senator SCHUMER, especially, I am more confident than ever that we will fight and win more aid for childcare, and Senator MURRAY and Senator KAINE have spoken so eloquently. I will simply say to what they said that I agree wholeheartedly because childcare is critical to kids. It is essential to early development, education, and physical and mental well-being.

It is essential for families because they need it to go back to work, particularly moms who have been out of the workforce. It is essential to our economy because employers—big, small—all need more workers, and they need to train those workers, and the way to find those workers and give them the skills they need to fill those jobs is to enable them to be secure in knowing their children have good childcare.

It is important to the men and women who form the childcare workforce. I have been all around the
of Connecticut—to Torrington, Hartford, Bristol. In fact, I accompanied the President of the United States to visit one of Connecticut’s childcare facilities. They do great work. They have been doing great work during the pandemic, reporting for duty, taking care of children, and their industry was impacted by smaller amounts of children being able to go there because parents had smaller amounts of income to afford it. And the fact of the matter is, in Connecticut, the yearly cost of childcare is about $20,000. We have lost a major part of our childcare workforce, and this measure is essential to those men and women who take care of kids in those childcare facilities with their courage and diligence and strength that belies the enormous responsibility that they have.

We are determined to make childcare affordable and accessible for every American family. The proposal that no more than 7 percent of any family’s income is the required amount for childcare is one that I still think makes eminent good sense.

We need to recognize that childcare facilities need to be sustained and supported, and those families need that same support and resource. So I am absolutely determined that we will move forward on childcare. As frustrated as I may be that this great compromise we see in the Inflation Reduction Act fails to include it, I am proud to support it and vote for it, and to continue this fight which we can and will win. And I thank my colleagues who will be joining us for their support as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INFLATION REDUCTION ACT OF 2022

Mr. THUNE. Madam President, we are somehow continuing to consider the Democrats’ grab bag of bad ideas, otherwise known—I would say, misleadingly—as the Inflation Reduction Act.

Let’s start with the bill’s title. It gets you feeling somewhat hopeful, doesn’t it? The Inflation Reduction Act sounds like a bill that is going to address perhaps the No. 1 problem facing our Nation—inflation. Then you actually look at the bill’s contents and discover that the bill will do nothing to reduce inflation—nothing.

And you don’t have to take my word for it. Here is what the nonpartisan Penn Wharton Budget Model had to say about the bill’s impact on inflation: “The impact on inflation is statistically indistinguishable from zero”—

“statistically indistinguishable from zero.”

The nonpartisan Congressional Budget Office also found that the bill would do nothing to address our current inflation crisis. So did the Tax Foundation. So much for fiction.

So what about the deficit reduction the Democrats are touting? Well, unfortunately, there is a good chance there won’t be much of that either. Democrats rely on some very shady accounting to reach their supposed deficit reduction number—most notably from the repeal of a rule that has never been implemented and, at this point, was never expected to be.

No matter what this rule was predicted to cost, if it was never going to be implemented, its cost was effectively zero. So repealing this rule leaves you with exactly zero—zero dollars to spend, not $120 billion.

Then there is the question of the bill’s expanded ObamaCare subsidies. The Democrats’ bill extends the expanded ObamaCare subsidies by 3 years. But it is common knowledge that the Democrats want to extend them permanently, as the President explicitly said in his State of the Union Address. And Democrats figure in the cost of extending them permanently, most of the purported cost savings in the bill, which the Democrats claim will go toward deficit reduction, dwindle away.

So no deficit reduction, an extremely doubtful amount of deficit reduction—what else? Well, there are the hundreds of billions of dollars in tax hikes. Yes, hundreds of billions of dollars in tax hikes. Our economy has posted two consecutive quarters of negative growth. In fact, by any common definition, we are now in a recession. And Democrats think now is a good time to hike taxes on businesses—businesses that are already struggling with 40-year-long inflation. The Democrats’ book minimum tax, as proposed last week, would be a $313 billion tax hike, with roughly half of the increase falling on American manufacturers.

I don’t think I need to tell anyone what happens when you raise taxes on businesses, particularly when the economy is shrinking. You get less growth, lower wages, and fewer jobs.

According to an analysis from the National Federation of Independent Manufacturers, in 2023 alone, the version of the bill Democrats introduced last week would reduce real gross domestic product by more than $88 billion and result in more than 218,000 fewer workers in the overall economy.

The Tax Foundation also found that the bill would, unsurprisingly, reduce economic growth, reduce wages, and reduce jobs. In short, a big part of the burden of the Democrats’ tax hike on businesses would fall on American families and American workers.

And the book minimum tax on American businesses is not the only tax hike Democrats are proposing on this bill.

They just purportedly replaced a $14 billion tax hike on investment with a new $74 billion stock buyback tax designed to punish investors who choose to keep their own money invested in a business—a tax hike that will likely discourage new investment and have a negative impact on Americans’ retirement savings.

And, of course, they have included a number of taxes and fees on oil and gas production. I guess Democrats would like our current sky-high energy prices to continue because they know that they are at a loss for any other reason why Democrats would choose to hike taxes on oil and gas production at a time when Americans are already struggling with high gas prices and high utility bills.

The Democrats didn’t always think raising taxes during a recession was a good idea. In fact, President Obama once said:

‘The last thing you want to do is to raise taxes in the middle of a recession.’

That was from President Obama.

As the current Democratic leader once said:

You don’t want to take money out of the economy when the economy is shrinking.

Unfortunately, not even their Green New Deal fantasies are on the line, the Democrats have changed their tune. That is right. Democrats are hiking taxes during a recession not to address our border crisis or inflation or rising crime but so that they can implement their Green New Deal agenda.

Their so-called Inflation Reduction Act is chock-full of Green New Deal spending, things like $1.5 billion—billion dollars—for a grant program to plant trees; $1 billion—billion dollars—for a grant program to fund zero-emissions delivery vehicles; and $1.9 billion—billion dollars—for things like road equity and identifying gaps in tree canopy coverage.

Yes, the Democrats are apparently willing to send us into a longer term recession—or stagflation—in order to provide billions of dollars for things like road equity and identifying gaps in tree canopy coverage.

All told, the Democrats provide more than $60 billion in this bill for “environmental justice”—$60 billion. Now, to put that number in perspective, that is more than the Federal Government spent on highways in 2019.

The bill also contains at least $30 billion in climate slush funds, part of which is allocated for, among other things, climate-related political activity—yes, climate-related political activity—because, for sure, there is nothing more that families who are struggling with ballooning grocery bills and the high price of gas are eager to see their tax dollars going toward Green New Deal activism. Apparently, it is somehow imperative for Democrats, but I would say, in all likelihood, not for the American people and American families.
I haven’t even talked about the tax credits and rebates the Democrats’ bill will provide for wealthy Americans who purchase new electric vehicles or who remodel their kitchens with Democrat-approved green appliances.

Well, let’s go on for a while here. It is difficult, really, honestly, to squeeze all of the bad ideas in the Democrats’ bill into just one floor speech, and I haven’t mentioned the socialist-style price controls that the Democrats’ bill would impose on prescription drug prices controls that would result in fewer new drugs and treatments—or the additional $80 billion—yes, $80 billion—that the Democrats’ bill would give to the IRS, with the majority of it being used to boost IRS audits.

Now, of that $80 billion, $45 billion of it would go to IRS enforcement—$45 billion, or 57 percent. Do you want to know how much of that $80 billion would go to taxpayer services? Four percent—that for an Agency that only succeeded in answering about 1 out of every 50 taxpayers’ phone calls during the 2021 tax season.

There is $80 million to the IRS for an additional 87,000 employees—87,000 new employees at an Agency that, I am told, only has about 53 percent of its workforce actually going back to the office—87,000 employees. You are going to have tax agents moving in with families around this country.

The Democrats aren’t focused on improving taxpayer services but on boosting the number of IRS audits. No one should be deceived into thinking these increased audits will fall solely on millionaires and billionaires. No matter what the Democrats and some officials at the IRS conveniently claim, the fact of the matter is that it is exceedingly unlikely the Democrats will be able to collect the revenue they want to collect from increased IRS enforcement with auditing small businesses and ordinary taxpayers. In fact, based on data from the Joint Committee on Taxation, somewhere between 78 to 90 percent of the revenue that is projected to be raised from underreported income would likely come from those making under $200,000 a year.

So 87,000 new IRS agents are sent out to the American people to do when he was a mere Senator, used to do when he was a train—a lot like a guy named Biden live in Delaware. I go back and forth on what the Democrats and some officials at the IRS conveniently claim, the fact of the matter is that it is exceedingly unlikely the Democrats will be able to collect the revenue they want to collect from increased IRS enforcement with auditing small businesses and ordinary taxpayers. In fact, based on data from the Joint Committee on Taxation, somewhere between 78 to 90 percent of the revenue that is projected to be raised from underreported income would likely come from those making under $200,000 a year.

Almost 18 months ago now, the Democrats passed a massive, partisan $1.9 trillion spending spree, which fueled inflation—record inflation—that Americans are still struggling with in this country. By the way, that $1.9 trillion spending spree was all on the debt—all on the debt. They didn’t attempt to pay for it; they just put it on the debt.

So now, to talk about possibly reducing the deficit by what I think, when it is all said and done, in this bill will be under $100 billion, that will assume all kinds of things like actually they are going to raise revenue from these 87,000 new agents whom they are going to hire at the IRS to fightscatter American taxpayers. It also assumes things like the Obamacare premium subsidies are only going to be limited to a 3-year extension rather than a full 10 years, which we all know is ultimately going to happen.

In the end, I believe there will be zero deficit reduction, but the fact of the matter is that that piece of legislation, in addition to fueling inflation and adding to the debt—and having learned from that experience, I would hope you would think that the Democrats here would not double down with yet another terrible economic idea, which is another tax-and-spending spree. Like the so-called American Rescue Plan before it, it will leave our economy and the American people worse off.

For their sake, I hope the Democrats will think better of this bill before it is too late. We are going to have an opportunity to debate it here, probably in a few hours, and will have the opportunity to vote on lots of amendments, and we will see what that process yields.

I can tell you one thing: The American people are tired of 40-year high inflation; they are tired of higher food prices; and they are concerned about an economy that is in recession. They are looking at a Democrat leadership in Washington, DC, that has as its No. 1 goal—out of all of the things you could do to attack inflation, attack high energy costs, to deal with a broken border, crime in our cities, and to deal with a wobbly economy, their prescription, as always, is the same thing no matter what the problem is; that is, to raise taxes, spending, and grow government—all at the expense of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

INFLATION REDUCTION ACT OF 2022

Mr. CARPER. Madam President, I rise this afternoon to speak in support of the historic legislation we are considering today, the Inflation Reduction Act of 2022.

A little over a week ago, when I heard the news that there was an agreement reached to move forward on this legislation, I could not help but feel an overwhelming sense of relief and of joy, and I am not alone in feeling that way. I felt relief in knowing that, after months of negotiations and years of hard work from volunteers, our policy experts, from leaders at all levels of government and industry, and from so many others, we had finally broken the logjam on major climate and clean energy legislation. I felt joy in knowing that we were one step closer to delivering a major victory for the American people, one that will help reduce inflation and create good-paying jobs at the same time. My belief is that this legislation is needed to give our children, for the most part, rising juniors and seniors—that they remind me a lot of our grand- children, frankly, in my family and, for folks, of a lot of their children.

This is for you. This is for your generation.

This is for our kids, our grandchildren, our nieces, our nephews.

This is for you.

After enduring a deadly global pandemic for the last two years and the resulting political and economic turbulence flowing from it, the truth is that far too many Americans are struggling. They are hurting from the high cost of healthcare; they are hurting from rising living expenses and energy bills; they are hurting from extreme weather that is costing us in terms of dollars and of lives.

I know this because that is what I hear when I travel home to Delaware almost every night. I don’t live here; I should be on a train—a lot like a guy named Biden used to do when he was a mere Senator, along with Senator CHRIS COONS and LISA BLUNT ROCHESTER, a Congresswoman. Whether it is a senior on a fixed income who is struggling with the cost of lifesaving prescription drugs or a young person who is living in a community that is prone to flood- ing from rising sea levels, many Delaw- areans of all ages are anxious about the futures, and they are pleading with us to do something about it.

Scientists are also pleading with us for action, too, before it is too late. For years, they have warned us that time is running out, that we must shift away from fossil fuels to avoid a future of unrelenting extreme weather. Now scien- tists are telling us it is code red for humanity and for our planet.

We are already experiencing a climate crisis, and Americans from coast to coast are living with extreme events, most notably in the form of extreme heat, wildfires, and floods.

As I speak here today, nearly 100 million Americans from Texas to Maine are under heat advisories—100 million. There are also more than 50 wildfires raging across the West, burning tens of thousands of acres in States like California and Montana and Idaho and Alaska. Just last week, catastrophic flash floods in Eastern Kentucky, not far from where my mom spent the last years of her life, have tragically claimed some 37 lives.

We know that these deadly, extreme weather events will only get worse in
the years ahead without coordinated action—without coordinated action—and we know that the most vulnerable among us, including many communities of color, will suffer the most if we fail to act.

The evidence available tells us that to avoid the worst impacts of global warming, we must achieve something that is referred to as “net zero carbon emissions” no later than the year 2050. Achieving this ambitious goal will not be easy, but it is achievable.

As some of my colleagues will tell you, I am by nature an optimist. I always have been. Out of great adversity comes great opportunity. Those are the words of Albert Einstein. In adversity lies opportunity. There is huge adversity here but also great opportunity.

I am proud to say that we are on the precipice of passing legislation that will take us down a path toward a safer and more prosperous future. The Inflation Reduction Act includes nearly $370 billion in funding for climate and clean energy provisions. This will be the most ambitious climate legislation to ever emerge from this body. It does so by not raising taxes on people whose incomes are under $400,000, on families whose incomes are under $400,000, and it does so in a way that is not inflationary and that is fully paid for and offset.

What will the impact be of this transformational climate legislation? Well, according to an analysis from Energy Innovation—some of the smartest people here in this country who work on issues like this—according to their analysis, passing this legislation will reduce net greenhouse gas emissions by a little bit over 4 percent by 2030. And as President Biden might say, that is a very big deal. He might say it differently but something along those lines.

This legislation will, along with action from executive Agencies and State and local actors, will put us within reach of meeting our national target of cutting emissions in half by the end of this decade.

In addition to slashing emissions from across our economy, this legislation will also unleash the potential of the American clean energy industry and create good-paying jobs throughout our country. In fact, it will create a ton of jobs according to an analysis from the Labor-Environmental Economy Research Institute at the University of Massachusetts Amherst projects that the Inflation Reduction Act—this legislation that we are debating—will help create 9 million jobs by the end of this decade—9 million over the next decade.

And the benefits to this historic package aren’t just limited to emission reductions and to job creation. As its name suggests, this legislation will fight inflation and lower costs for many Americans. Again, ask: How?

For starters, the Inflation Reduction Act will help homeowners save up to $220 a year on electricity costs, according to an analysis by the Resources for the Future.

This legislation also includes huge healthcare savings for families across our country. For example, on average, Delawareans who have switch-based care will save upward of $1,000 annually. That is $1,000 back in their pockets.

This bill will also ensure that our seniors don’t face financial ruin paying for lifesaving prescription drugs. It does so, in part, by capping patients’ out-of-pocket costs in the Medicare Part D Program at $2,000 per year.

And the Inflation Reduction Act will help strengthen our tax system to better ensure that everyone pays their fair share and also to ensure that we have got decent constituent services for our constituents in our States. I don’t care whether it is Delaware, or some other place, the IRS just hasn’t had the resources to do what we need to do it, which is to actually provide good constituent services. We are still waiting for people to get their returns from last year and their refunds from last year. That is just totally unacceptable. And over the last probably 30, 40 years, we have reduced by roughly a quarter the amount of resources that are available to actually serve people through the IRS.

At the end of the day, the programs in this bill will help create jobs, lower costs for many families, and fight inflation, all while addressing the imminent threat of climate change and doing so in a way that leaves no community behind. It is proof that we can do well and do good at the same time. As chairman of the Environment and Public Works Committee, I am especially proud that our $41 billion title does so, in part, by capping patients’ out-of-pocket costs in the Medicare Part D Program at $2,000 per year.

As chairman of the Environment and Public Works Committee, I am especially proud that our $41 billion title within the purview of our committee prioritizes climate action in low-income and disadvantaged communities. This is part of what all communities, especially those most susceptible to the negative impacts of climate change, benefit from our funding to reduce greenhouse gas emissions and reduce air pollution where they live—where they live.

As part of that commitment, we provide $27 billion for the Environmental Protection Agency to create a greenhouse gas reduction fund, known as the Green Bank. It will help leverage private investments in projects that combat climate change, with over 40 percent of these investments going to underserved communities. The climate impact of this program will be huge, removing the equivalent of some 15 million gasoline-powered vehicles from our roads over the next decade.

We also provide $3 billion in competitive grants to States, Tribes, and municipalities—and to community-based nonprofit organizations—for financial and technical assistance to address clean air and to eliminate pollution in environmental justice communities.

Our EPW title also provides some $3 billion to help reduce carbon emissions flowing from our Nation’s ports. Doing so not only cleans up the air in nearby communities but also reduces our reliance on foreign fuels. And we provide $1 billion to replace dirty medium and heavy-duty vehicles with zero-emitting technologies, reducing fuel consumption while allowing businesses that run those trucks to save significantly on their energy costs.

While I wish I could discuss this afternoon every program in our title of the Environment and Public Works Committee, let me just close by sharing a few words on one program I am particularly proud of, our first-ever Methane Emission Reduction Program to rein in excess methane pollution from the oil and gas industry.

Why did we create a program to reduce methane emissions? Why was this so important? Well, let me tell you this: Methane is more than 80 times more potent than carbon dioxide as a greenhouse gas. As President Biden said, Methane is more than 80 times more potent than carbon dioxide as a greenhouse gas. And again, Methane is more than 80 times more potent than carbon dioxide as a greenhouse gas.

There was a guy who used to be a bank robber named Willie Sutton back in the Great Depression. My friend from Iowa probably remembers Willie Sutton, not personally. But Willie Sutton robbed a lot of banks back in those days. He finally got caught and was brought to trial. And standing before the judge, the judge said: Mr. Sutton, why do you rob banks?

Willie Sutton responded famously: That is where the money is, judge; that is where the money is.

Well, there are huge emissions—huge emissions—that flow from methane. They ought to be captured; they can be captured, and the programs that we offer here, the funding we offer here, will help that to happen.

We designed this commonsense program to provide $1.2 billion to help businesses invest in existing technology to reduce potent methane emissions. It then ramps up for a few years to $2 billion, after which investors can take advantage of this assistance. All told, we expect this program to raise about $65 billion—that is billion with a “b”—to offset the costs of other climate and environmental justice investments in the title of our committee’s bill.

Years from now—years from now—folks are going to gather here in this Chamber, and they will look back at what we had before us, what we were told to do, and whether or not we made a difference. I hope they will judge us favorably.

Let me just say, in closing, 2 weeks ago, they reported in London, England, a temperature of 16 degrees. For those of you who have been to England, you may know this: They don’t even have air-conditioning in most places in England. The temperature there, 16 degrees. In the same week that the temperature was 16 degrees, folks were trying to run the bicycle event, the French bicycle event that is so famous, and they could not run parts of it because the pavement was melting. They
had to put tens of thousands of gallons of water on the roads just so they could run the French bicycle race.

I will close with this: In Louisiana, they have problems, they have challenges from sea level rise. How serious are they? Well, every 100 minutes in Louisiana, they lose a piece of land to the ocean from sea level rise. Every 100 minutes they lose a piece of land the size of a football field. And today, this week, we are seeing incredible heat, incredible drought. From the west coast to the east coast, people are suffering, in some cases, injury and death. We have got to do something about it, and we are going to do that with this legislation and also make sure that a lot of folks who need jobs in the years to come will have a good-paying job. That is not a bad day’s work.

With that, I am pleased to take this piece of paper and read it to my colleagues, including the Senator from Iowa, who is waiting patiently for me to stop talking.

UNANIMOUS CONSENT AGREEMENT

Mr. CARPER. Madam President, I ask unanimous consent that there be a period of morning business for debate only until 4:15 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator SCHUMER be recognized at 4:15 p.m.

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

Mr. CARPER. I thank the Senator from Iowa for his patience today. Thank you so much.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTHCARE

Mr. GRASSLEY. Madam President, this body has a long record of coming together to improve healthcare for Americans. In 2003, when I was chairman of the Senate Finance Committee, we worked in a bipartisan manner to establish the Medicare Part D benefit. More recently, I have worked with my colleagues on the Finance Committee on oversight and investigations to hold EpiPen manufacturers accountable that were misusing taxpayer dollars and insulin manufacturers and PBMs accountable that were unfairly increasing the list price of insulin. We can work together and meaningfully improve healthcare.

This Congress, I have worked with my Democratic colleagues to pass five of my bills out of committee in a bipartisan way. These bills will lower drug prices, create more competition, while holding Big Pharma and PBMs accountable. Unfortunately, the leader hasn’t brought any of these bills up for a vote, even though they would easily pass on a straight party vote. But this hasn’t stopped me from trying to find other ways to help bring down the cost of medications.

In 2019, as Finance Committee chair, I began a bipartisan process with the ranking member from Oregon to lower the costs of prescription drugs. That bill is entitled the "Prescription Drug Pricing Reduction Act..."

We held three committee hearings to hear from policymakers and advocates, while also holding Big Pharma and PBMs accountable. We held a committee markup, where the bill passed 19 to 9 on a bipartisan basis. We continued our additional negotiations to make improvements in the bill, even after it got out of committee. It contained stuff that I like. It also contained stuff I didn’t like, but that is the way we do bipartisan legislating.

Today, it is still the only comprehensive prescription drug bill that can garner more than 60 votes on the Senate floor.

I recently outlined on the floor the bill’s details in case the majority party has forgotten. I won’t restate every part of my July 20 speech, but here are some of the bill’s key highlights:

One, it lowers costs for seniors by $72 billion and saves the taxpayers $85 billion.

Two, it establishes an out-of-pocket cap, eliminates the doughnut hole, and redesigns Medicare Part D.

Three, it ends taxpayer subsidies to Big Pharma by capping price increases of Medicare Part B and D drugs at inflation.

Four, it establishes accountability and transparency in the pharmaceutical industry.

Five, and most important in this body, the bill is bipartisan. Now, believe it or not, a bipartisan bill limiting pharmaceutical increases is possible. Compare this to what the majority has offered us. Their partisan bill includes more reckless spending and tax increases. Their partisan bill reduces the number of new cures and treatments. Their partisan bill fails to enact any bipartisan accountability for Big Pharma and, in particular, for PBMs.

Even while the majority party has decided to pursue a purely partisan bill in secret over the past 20 months, I have continued to meet with Democrats and Republicans to advance a bipartisan and negotiated bill. I would prefer a bipartisan bill to pass the U.S. Senate.

We could still pass the Prescription Drug Pricing Reduction Act. My colleagues know it. Several of them have thanked me publicly on my bipartisan work to lower prescription drug prices. Sadly, the majority party has chosen a different route.

They have chosen a bill that contains zero—zero—PBM accountability. It gives middlemen a pass. They have chosen a bill that contains none of the 25 accountability and transparency provisions that had bipartisan consensus in my bill.

Finally, one last thing I would like to address about my colleagues’ reckless tax and spending. I have heard some of my colleagues on the other side say this bill’s prescription drug provision is what I have described today as Grassley-Wyden. This is untrue. This is a reckless tax-and-spending bill. It is not bipartisan, and no responsible person should accept or repeat that notion.

I oppose the partisan bill because it is a long list of reckless tax increases and spending. It is not the bipartisan prescription drug bill that passed out of the Finance Committee 19 to 9.

I will file the Prescription Drug Pricing Reduction Act as an amendment today. We could strike and replace this reckless tax-and-spending spree with comprehensive drug pricing reform that could garner more than 60 votes and lower drug prices while holding Big Pharma and PBMs accountable.

We could actually enact meaningful accountability and transparency in the pharmaceutical industry. I will file an amendment that pursues PBM transparency and accountability, and I will file that amendment as well.

I have said throughout this Congress that I will work with anyone who wants to pass the bipartisan Prescription Drug Pricing Reduction Act.

To continue on the bill today, the Democrats’ most recent reckless tax-and-spending spree suffers from some unfortunate. Last week, all but one Democrat voted to provide nearly $80 billion in subsidies to some of the largest and most profitable corporations in the world. The goal then was to make America a more favorable business environment to attract investments from a critical industry.

But mere hours later, they unveiled a huge tax hike on domestic manufacturing. Democrats tried to justify this 180-degree policy turn by claiming their tax hike is necessary to make corporations “pay their fair share.” However, this claim is laughable, given the so-called CHIPS+ bill nearly all Democrats enthusiastically supported last week. As I pointed out at that time, the CHIPS+ bill ensures many large, very profitable semiconductor manufacturers will pay zero tax or even receive payments from the IRS exceeding any tax liability. Senator Saxby Chambliss is the only Democrat to express any concern about these profitable companies paying nothing in taxes.

Under the Democrats’ so-called book minimum tax, large, profitable corporations favored by Democrats can still escape policy making. Just last week, while they claim their reckless tax-and-spending bill will ensure companies pay their fair share, they include carve-outs and expanded subsidies for their favorite industries.

For example, business tax credits are carved out from Democrats’ book minimum tax, including a myriad of souped-up green energy tax breaks.
This is despite the fact that research by the liberal Institute on Taxation and Economic Policy confirms these credits are a significant reason why seemingly profitable companies pay little or no tax.

The Democrats’ bill not only cuts certain tax credits, it doubles down with $270 billion in corporate tax subsidies in the name of their Green New Deal agenda. Along with a new provision that allows green energy developers to sell their credits to others, a host of businesses and industries will be able to use this new loophole to pay little or no tax. This could include financial institutions, private equity firms, tech firms, and wealthy private investors.

Democrats’ message to the business community is very clear: If you are a large, Democrat-aligned green industry, you have nothing to worry about; paying your “fair share” of taxes is optional. But if you are a domestic textile or manufacturer, prepare to be taxed into submission.

This mindset is especially concerning given our increasingly fragile economy. Late last week, we learned our economy contracted for the second straight quarter, indicating, as we know, we are in a recession. The last thing businesses and families need right now are tax hikes and a rash of poorly vetted policies creating even more confusion and uncertainty in the economic climate. As my colleagues on the Joint Committee on Taxation and outside groups show this is exactly what Democrats are offering.

During the election, Democrats promised not to raise taxes on anyone earning less than $400,000, but the Joint Committee on Taxation confirms their proposal does exactly the opposite. For 2023 alone, Democrats propose a $17 billion tax hike on families and individuals making less than $200,000.

While Democrats’ tax hikes hit Americans of all incomes, their proposed benefits are targeted at a privileged few, like helping wealthy Americans purchase $80,000 electric SUVs. According to the Joint Committee on Taxation, the original version of their bill had a whopping $15.5 billion tax hike on domestic manufacturing stemming from their so-called book minimum tax.

The National Association of Manufacturers estimates that this tax hike would cost more than 200,000 jobs, reduce labor income by $17 billion, and reduce GDP by nearly $70 billion.

Now, I understand Senator Sinema has secured by Senator Sinema accrues to ever, even if we assume all the relief minimum tax that may lessen the bur- 

Democrats’ war on manufacturing is mind-boggling.

Members of both parties have pressured a need to reshape manufacturing to address supply chain disruptions and delink from China for national security reasons. Saddling manufacturers with a giant tax bill will hurt, not help, our efforts. Targeting manufacturers for tax hikes makes no sense in the face of our surging inflation.

Democrat hikes will curtail investments necessary to increase the supply of goods needed to meet consumer demand. This mismatch between supply and demand is what is actually driving our inflation. The potential harm to our economy is underscored by Penn Wharton’s analysis of the Democrats’ reckless tax-and-spending spree. They called out the novelty and uncertainty surrounding Democrats’ book minimum tax saying more work is needed to understand its impact on capital market efficiency and the economy.

Penn Wharton’s analysis also shows Democrats’ proposals will do nothing to bring down inflation and are more likely to make inflation worse in the near term. Essentially, Democrats are gambling on untested and unproven policies while our economy is in a recession, real wages are falling, and inflation is soaring.

To urge my Democrats to rethink your approach. Stop gambling with our Nation’s economy. I yield the floor.

The PRESIDING OFFICER (Ms. Warren). The Senator from Minnesota.

MORNING BUSINESS

Ms. SMITH. Madam President, I ask unanimous consent that there be a period of Morning Business that is for debate only until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that Senator SCHUMER be recognized at 4:30 p.m.

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

The Senator from Wyoming.

INFLATION REDUCTION ACT OF 2022

Mr. BARRASSO. Madam President, last year, Democrats in this body passed a party-line spending bill, and they spent us into record-high inflation. Ever since then, this has been nothing but bad news for the working families of this country.

We have seen the worst inflation in 40 years. Prices have gone up faster than wages month after month after month. Fifteen months in a row now, prices are up faster than wages.

Now, Democrats’ inflation has caused a recession. As a result, working families are finding it much harder to get by. They can’t keep up. The average family can afford less today than they could the day that Joe Biden took office—much less. The savings rate hasn’t been this low since the great recession. People are having to spend their savings. Credit card debt is at an all-time high.

We know the worst gut punch is about to happen right now, making all the pain the Americans have suffered now extend for a longer period of time. If Democrats pass this bill that is on the floor today, this inflation crisis is going to get worse.

For weeks, there have been rumors that Democrats were working hidden behind closed doors on another reckless tax-and-spending bill. The American people knew it would be bad, and the bill that we are looking at now is worse than expected.

Of course, the Democrats wrote it in secret. They didn’t want the American people to know what was inside it.

Now, here we are, late on a Saturday afternoon, and the Democrats are trying to cram it through before people even get to read it. Members of my party were wanting to read it earlier today. It wasn’t even available, likely because it wasn’t even written yet. And I understand it is over 700 pages long. An earlier version, I saw 725 pages, with a cost of over a billion dollars a page.

Democrats call it their bill that they intend to try to use to reduce inflation. That is why the White House, from everything that they have read so far, will actually increase inflation for the next 2 years. It is bad enough for the American people today. They can’t put up with it for another 2 years.

Now, I am told that the Wharton analysis is usually the economic analysis that the Senator from West Virginia, Joe Manchin, uses. Well, I hope that Senator Manchin and every Member of this body pays attention to that Wharton study.

A chorus of economists is saying the exact same thing as the experts are telling us from Wharton. There is a bipartisan group called the Tax Foundation, and it says “this bill may actually worsen inflation”—worse for inflation than expected. And that is from a favorite of the Democrats.

The Congressional Budget Office says the bill would have a negligible effect on inflation. Clearly, there is broad agreement among experts that the bill will not lower inflation.

Democrats were warned the last time, March of 2021. Democrats are being warned again this time. And they
are ignoring the warnings. But it doesn’t take an economist to tell you that this bill would be a disaster for working families.

The bill is going to mean more taxes, more spending, higher prices—right in the middle of the combination of an inflation—people of revenue.

The cost, the burdens, of this bill are going to be borne by the working families of this country.

Now, this bill is going to hit working families from all sides. First, it is going to raise taxes on the very people that Joe Biden said he wasn’t going to come after. The Joint Tax Committee actually said the bill will raise taxes on people at nearly every level of income. It will affect you, every one of you, all across this country.

Now, Democrats, of course, want to raise taxes on American energy. It has been their claim since day one when Joe Biden declared war on American energy. American families started paying the price and have been paying the price ever since then.

The bill does nothing to open up exploration for energy and American oil on Federal lands. No. It includes a new tax on American oil and gas production. This tax alone will raise the cost of energy for half of the households in America.

Now, this is a time when one-third of the inflation in this country is driven by the cost of energy. When you take a look at the cost of food, energy is a component of that. Growing food, getting food to market—all of those things are related to energy. That tax alone is going to shrink the economy and cost jobs.

There is also a new tax on imported oil. And Joe Biden’s energy policy has been, basically: Please send us some oil. It was his policy last year when he went to Glasgow. And he actually asked Vladimir Putin to send us more oil from Russia as Russia was planning to invade Ukraine. He is trying to cut a deal with Iran to get Iranian oil. Venezuela—he sent emissaries to Venezuela asking for oil. And he went hat in hand to Saudi Arabia saying: Please send us more oil.

And then the Democrats put in their bill an excise tax on that oil that the President is begging to have sent to America. And then to add insult to injury, they indexed the tax to inflation—high inflation begetting more inflation. It means the more inflation the Democrats cause, the higher the prices go up. More taxes, more inflation.

This is a vicious cycle of Democrat taxes and Democrat inflation. As a result, the pain at the pump is going to get worse. Yet the worst punishment of all is for American coal production. Now, I want to say Wyoming has been America’s No. 1 producer of coal for decades. Coal is still the most affordable, reliable energy known to man. It is used all over the world. Yet in this bill, the Democrats want to raise taxes on coal companies by up to 16 percent of their income.

Well, I am from a coal State. Senator MANCHIN is from a coal State. He and I worked together on the Energy Innovation and Jobs Act. I am the ranking member. Here is what the West Virginia Coal Association has said about what is in this bill that we are going to be voting on starting tonight. Joe MANCHIN’s home State coal association said:

Why support anything CHUCK SCHUMER, Joe Biden, NANCY PELOSI, or John Kerry want for coal?

They go on to say:

It is incomprehensible why any miner [coal miner] would support the Manchin-Schumer legislation.

This is going to punish West Virginia directly, and it is going to punish the hard-working people of Wyoming. It is also going to punish their customers who rely on affordable energy.

These taxes are clearly going to get passed on to the consumer—in other words, higher prices, more inflation.

Economics 101.

The Democrats also want to raise taxes on savings and investment at a time when seniors are hurting. Seniors are already watching their savings go down and their taxes go up. Inflation is so bad that there are reports that seniors are moving in together because they can’t afford rent.

Yet CHUCK SCHUMER and Joe Biden want to raid their 401(k)s. This bill also contains a hidden tax increase. That is because the bill would nearly double the size of the IRS.

Now, Democrats think that giving the IRS 80 billion additional dollars to hire additional auditors—tens of thousands, over 80,000 more auditors at the IRS, an army of auditors—that they are going to put toward another $200 billion out of American taxpayers.

They are not talking about a couple of rich people here. Eighty-six thousand auditors aren’t needed to go after a couple of billionaires. They are going after ordinary Americans. They are going after families, farmers, after small businesses.

The IRS is already one of the most powerful and unaccountable bureaucracies in the Federal Government. But now, Joe Biden says: Not enough. We want to put you on steroids as well. We want to put you on steroids so you can squeeze more money out of the families of this country.

The Joint Tax Committee says almost all of the money raised by supersizing the IRS would come from those making less than $200,000 a year. That is the Joint Tax Committee.

So the billionaires in San Francisco and Manhattan who run the Democratic Party are going to be just fine. It is working families who always foot the bill for liberal policies.

So what are Democrats going to do with half a trillion in new taxes? Well, they want to do two things: First, give taxpayer dollars to their closest friends and their biggest political contributors. That includes hundreds and hundreds of billions of dollars for the big fans of the Green New Deal.

The bill puts American taxpayers on the hook for more than $315 billion in green energy loan guarantees. This will be billions and billions for projects like Solyndra that went bankrupt when President Obama was in the office and Joe Biden was Vice President. You would have thought Joe Biden had learned those lessons from the horror stories of the money being lost, the taxpayer dollars wasted in projects that went bankrupt one after another and another.

The bill would give billions and billions for rich people to buy electric vehicles. Unlike other vehicles, electric vehicles, they pay no gas tax, which is how, of course, in this country that we create the roads and the highways. Democrats want to cut them a big check as well. This is welfare for the wealthy.

The bill also includes supersized ObamaCare subsidies for people making well over $100,000 a year. It is also welfare for the wealthy—supersized subsidies on steroids.

Now, the subsidies were put in place at the beginning of the pandemic. They were supposed to be temporary. Yet “we want to do it to the best of our ability” to continue forever. If Democrats extend these subsidies permanently, this bill would not actually help at all with the deficit. It would clearly add to the national debt.

In other words, Democrats are using the same sleight-of-hand accounting gimmicks that they tried last year. Nine months ago, when Democrats tried things like this in their Build Back Better Plan that failed, even Senator MANCHIN admitted that it was “socialism and mirrors.” It was a shell game, and budget gimmicks.

The Democrats are back to their old tricks right now. Here we are, 9 months later. The difference is, inflation is a lot, lot higher. The pain people have gone through is felt much more deeply.

Not a single Republican is going to vote for this monstrosity. No Democrat should either. Joe Biden’s economy is already the worst economy that most Americans have ever experienced in their lifetime and going to get worse. And so I urge my colleagues, don’t inflict this kind of pain
on the American people in the middle of a recession. The American people are hurting enough. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

INFLATION REDUCTION ACT OF 2022

Mr. KAINE. Madam President, I rise to speak about a very important provision in the Inflation Reduction Act that combines the three pillars of the act: healthcare, energy, and tax reform. That provision is a permanent funding fix for the Black Lung Benefits Program. And I’d like to take this floor to speak to all my friends who are Virginia coal miners, to their retirees, to their families. And I especially dedicate it to my friends at the United Mine Workers, including a dear friend, President Cecil Roberts.

I came to Virginia in 1984, never having been in Virginia. I grew up in Kansas, and I didn’t really know too much about the coal industry. But I married my wife Anne 38 years ago, and part of her family is from Big Stone Gap, VA, in the heart of Appalachia—those counties in Southwestern Virginia— Wise, Lee, Dickenson, Russell, Buchanan, Scott—that have coal mining as the very heart of their economies. And it is not only coal mining but there are many miners—many of whom drive across State lines to work in West Virginia or Kentucky—and their families. And they have done it for generations. And long before I got into politics, once I married my wife from Appalachia, I got to know these miners. It is a tough job. It is a scary job. It is a dangerous job. But these miners do it every day because the Nation needs power, because our steel mills need steel to build aircraft carriers and submarines and skyscrapers, and they do this, and many of them have done it for generations.

I am in coming to know these miners—long before I got into politics—on family visits, realized what a patriotic bunch of people they are. They have a disproportionately high rate of service in the military when they are young, before they undertake this dangerous, dangerous job.

I had been in Virginia for about 5 years, and there was a major strike of these miners, the Pittston strike, in Southwest Virginia, 1989. It actually was from April of 1989 all the way until February of 1990. And it was a strike that was driven because the Pittston Coal Company wanted to take health benefits away from retirees and widows and disabled miners.

And what the miners realized is if they allowed this to happen, then every other mining company in the country would do exactly the same thing. And so they went out on a strike, and they struck for 10 months. And they were down to 12 days, but they weren’t going to give up until they got these healthcare benefits.

There was a famous moment about 5 months into the strike when the then-president of the UMW, Rich Trumka, who got to be a great friend of ours—sadly, he passed in the last year. At that point, he was the president of the miners. He got asked by the New York Times if he was still considering striking. They are earning some benefits through the union, but it is a fraction of their salaries. How long can the mine workers hold out?

And he gave one of the best answers ever: I decided to stay at the Pittston Coal Company. That is how long we can hold out.

That is what they did. In February of 1990, they reached a deal, and the healthcare benefits of these folks were saved.

Getting into politics, first at the local level, but especially when I ran for Lieutenant Governor in 2001, I was kind of the big city mayor, but people down there gave me a chance because I knew them, because I had family ties in Appalachia. I had gotten to know them before I was in politics.

The mine workers were so helpful to me. I tried, over my time in political life, to be helpful to them. I put a proposition on the ballot as a Lieutenant Governor, whom they knew very, very well, who had struck with them in 1989. No Governor had ever done that. I appointed a miner, a UMWA member to run my State mining safety agency. That agency had been run by bureaucrats. But there had never been a miner running the mining safety agency until I became Governor.

I worked with mine workers to build a powerplant in Virginia City, in Southwest Virginia, to try to show that coal can be done and used much more cleanly than it had been in the past.

When I came to the Senate in 2013, the economics of mining had changed a lot. Natural gas, being so much cheaper, had hurt mines. Mechanization of mining reduced the job numbers. We heard, in fact, at the hearings, that coal mining is a job for hard-working folks from the management side or sometimes by hard-working, you know, kind of professional scientists and bureaucrats. But there had never been a miner running the mining safety agency until I became Governor.

I worked with mine workers to build a powerplant in Virginia City, in Southwest Virginia, to try to show that coal can be done and used much more cleanly than it had been in the past.

The preceding speaker talked about making the full-funded Black Lung Benefits Program permanent. And I will tell you what that means. We are raising the excise tax on coal so that we can have a program that will help miners who get black lung disease.

And is this just a horribly confiscatory tax? No. Let me tell you what this tax will be. We will raise the coal excise tax by 10 cents a ton to meet the promise that we made to these hard-working people. This will provide permanent sufficient funding to maintain the solvency of the fund, and our miners can be assured that the program will be— as they are going under—will not lose their pensions. And for coal that is mined on the surface, we will raise it to 55 cents a ton to meet the promise that we made to these hard-working people. This will provide permanent sufficient funding to maintain the solvency of the fund, and our miners can be assured that the program will be— as they are going under—will not lose their pensions.

But in 2019, the American Miners Act, which was also bipartisan, passed this body, and we fixed the nationwide pension program for miners. It helped more than 6,000 Virginians. It helped more than 100,000 miners around the country.

That is two.

Well, with the passage of the Inflation Reduction Act, we can go three for three. We can meet all the promises we made to these miners and their families by fixing the Black Lung Benefits Program.

The preceding speaker talked about raising taxes on mines, but he didn’t tell the public what this is for. We are raising the excise tax on coal so that we can have a program that will help miners who get black lung disease.

And is this just a horribly confiscatory tax? No. Let me tell you what this tax will be. We will raise the coal excise tax by 10 cents a ton to meet the promise that we made to these hard-working people. This will provide permanent sufficient funding to maintain the solvency of the fund, and our miners can be assured that the program will be— as they are going under—will not lose their pensions. And for coal that is mined on the surface, we will raise it to 55 cents a ton to meet the promise that we made to these hard-working people. This will provide permanent sufficient funding to maintain the solvency of the fund, and our miners can be assured that the program will be— as they are going under—will not lose their pensions. And for coal that is mined on the surface, we will raise it to 55 cents a ton to meet the promise that we made to these hard-working people.

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I have been proud to cosponsor all three of these bills—promise made, promise kept. I want to thank Virginia’s coal miners for their friendship, for their patriotism, for their determination, and for never giving up on us. And when we pass the IRA, we will be able to say: Your faith was justified. We got it done.

Madam President, I ask unanimous consent that the previous order be extended for 15 minutes and the majority leader be recognized at that time.

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

The PRESIDING OFFICER. The Senator from Oregon.

INFLATION REDUCTION ACT OF 2022

Mr. WYDEN. Madam President, public service is about making people’s lives better, and here is what is on offer this afternoon to make people’s lives better in our country: Reduced healthcare costs for seniors, reduced caregiving costs, reduced energy costs, and reduced cheating by wealthy tax cheats. That is just a part of what is on offer this afternoon.

Let me just briefly touch on each of them.

We all know that medicines are way too expensive in our country. People always come back from trips, and they say: Why is it so much cheaper overseas?

It is because these big pharmaceutical companies are under absolutely no restraints to hold down the prices, and that is what we are beginning to change today.

What we are beginning to change today is to say that for those seniors who count on Medicare, for the first time, the program that they love, Medicare, is going to have the power to negotiate lower drug prices for them.

The fact is, the Senate is lifting a curse with the IRA. That is how seniors feel when they hear that Medicare can’t even go to bat for them. And, of course, Big Pharma has protected this ban on Medicare negotiating like it was the Holy Grail. Even today, they are warning that when we pass this, they are going to try to tie it up with the courts and the State legislatures and the Agencies. But we are not going to let that happen.

The prediction from some independent authorities on medicine has said that because of the compounding benefits of our bill—with more drugs being negotiated on a regular basis—we are looking at the possibility of a trillion dollars in savings before too long.

If a drug company refuses to negotiate, they are going to face a steep excise tax on the sale of their products until they come to the table. If they are price gouging, if they are raising their prices above the rate of inflation, say, for an older drug, they are going to pay a penalty.

And then we have new significant relief for seniors who, when they get mugged at the pharmacy counter, come home and say they just can’t pay all the bills. Our legislation puts a new $2,000 out-of-pocket cap on Medicare Part D so that seniors are no longer forced to choose between paying for medicines and paying for food.

These are all important benefits. The fact is, that penalty for price gouging is going into effect in a couple of months, in November, so seniors are going to be able to say: We are seeing real relief from this legislation.

There are other steps that we would have liked to take. I understand that. I pushed for them. The President of the Senate has pushed for them. But let’s understand the bottom line here. Every one of the policies I have outlined, on their own, is going to be life-changing for millions of senior citizens, and it is going to lay the groundwork for doing more.

I would also like to move briefly from healthcare to climate because the IRA inflation reduction act makes the biggest effort in history to save our climate and invest in clean energy and jobs. And because we all worked together, those are going to be jobs here in America. They are going to be clean energy jobs, not dirty energy jobs.

That is the black letter text that we wrote into the bill.

The old system was a joke. It picked winners and losers, and anybody who was powerful could probably figure out how to do it. But there were permanent breaks for oil and gas but only temporary incentives for clean energy. The system was broken. It was out of date a long time ago.

We put that old system into the dustbin of history, and we put in place emissions-based credits to turbocharge investment in clean energy, clean transportation, and energy conservation. Our new plan is going to reduce the typical American household’s energy cost by $500 per year, and it is going to create 600,000 new jobs from Portland, OR, to Portland, ME.

As the President of the Senate knows, we pay for this bill with a few important changes in our tax law. For example, we just showed a couple of days ago that of 100 companies—these are companies with billions of dollars in profits—they are paying—many of them, more than 100—an effective tax rate of 1.1 percent.

Let me show it again: More than 100 hugely profitable companies that are going to pay under this legislation, and the President of the Senate did very important work on this, they are paying, on average, 1.1 percent in taxes.

Now, it is no surprise that those companies that are paying 1.1 percent think that somehow making them pay a minimum rate—a minimum rate, by the way, which is far less than the rate that a firefighter and a nurse pay—that, oh, my goodness, we won’t have jobs, we won’t have businesses if they do.

And we make it clear that we are not raising taxes on anybody. Anybody making less than $400,000 is not going to pay any additional taxes under this bill. I know there are some of our colleagues on the other side who have always subscribed to this trickle-down theory of economics and say that, well, if that’s the very top—say, those corporations paying 1.1 percent actually pay some taxes, that means that nurses and firefighters are going to pay more taxes, and nurses and firefighters don’t buy that for a second.

We also paid for the legislation in an important way that was proposed by our colleague from Ohio, Senator Brown, that I was proud to join him on, and that is a 1-percent tax on stock buybacks.

 Corporations have spent trillions of dollars on stock buybacks in recent years, a huge windfall for corporate executives and wealthy shareholders. It set a record in 2018, broke it again in 2021 right in the middle of a global pandemic, and I just noticed the profits of the companies he cited here in the last few weeks, again, they are kind of leading the league in stock buybacks.

 Stock buybacks make a lot of wealthy people even wealthier on paper but they pay little to nothing to strengthen the economy, drive innovation, or improve the well-being of American workers.

 Our 1 percent tax is not only going to help pay to prevent the worst effects of climate change, it is also going to encourage big corporations to invest in their workers and research and development instead of more handouts to the top.

 Finally, I just want to emphasize this question of tougher IRS tax enforcement. We have heard some of our colleagues on the other side say that somehow this is going to target the working person. I see our good friend from Delaware, another member of the committee. This is not going to happen. And the reason it is not, as my colleagues on the Finance Committee know so well, working people are not the problem here. They pay taxes with every single paycheck. It is right there on their paycheck. Everybody knows what taxes they pay, and should they be engaging in any questionable activities, it would end up showing up on these forms. They are not the problem.

 But as we have been told again and again by independent experts, Democratic, Republicans, we do have a problem with big, wealthy tax cheats. Big, wealthy tax cheats don’t pay taxes with every single paycheck. They are leading the league in stock buybacks.

 And after a decade of Republican budget cuts, are we in a very difficult position to go after these wealthy tax cheats who rip off the American people for billions of dollars every year.

 The current Commissioner who joins many Democratic Commissioners and Republican Commissioners in the past—the current one is a Republican appointee—estimated the number of
We believe that the Agency ought to have the resources it needs to go after sophisticated, lawbreaking tax cheats at the top. And I know that my colleagues and Finance Committee join me in saying: We are going to watch-dog the Agency very carefully and make sure the focus is on these wealthy tax cheats and not the typical working person, as my colleagues on the other side of the aisle have talked about.

So there you have it, folks. Here is what is on offer: Here is what is on offer are lower costs for seniors, reduced climate emissions, help for working families, cracking down on wealthy tax cheats. That is what this is all about today. That is why this legislation, I believe, is going to give public service a good name.

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. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Almost everything that is good that he has just talked about came out of the Finance Committee, terrific staff work, terrific leadership. Thank you.

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. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

INFLATION REDUCTION ACT OF 2022—Motion to Proceed

Mr. SCHUMER. Madam President, in a moment, I will move to proceed to the Inflation Reduction Act of 2022. The time has come for the Senate to begin debate on this historic piece of legislation.

The Inflation Reduction Act is a groundbreaking bill for the American people—for families struggling to pay the bills, for seniors struggling to pay for medication, for kids struggling with asthma. This bill is for them.

I thank all of my colleagues who have dedicated their blood, sweat, and tears toward shaping this outstanding legislation.

This is one of the most comprehensive and impactful bills Congress has seen in decades. It will reduce inflation, it will lower prescription drug costs, it will fight climate change, it will close tax loopholes, and it will reduce—the deficit. It will help every citizen in this country and make America a much better place.

The time is now to move forward with a big, bold package for the American people; to fight inflation and make it easier for people to afford everything from trips to the doctor's office to trips to the pharmacy; to hold drug companies accountable and empower Medicare to negotiate the cost of prescription drugs; to help families pay their utilities with the boldest clean energy package in American history; to make sure that nurses and teachers and firefighters and middle-class families don't pay more in taxes than billion-dollar corporations; to reduce pollution, restore our coastlines, protect our forests, and deliver to our children and grandchildren the planet they deserve.

Again, the time is now to move forward with a big, bold package for the American people.

Again, this historic bill—this historic bill—will reduce inflation, lower costs, and fight climate change. It is time to move this Nation forward.

Senate Democrats began this major- ity by promising to tackle the biggest challenges facing our country. The Inflation Reduction Act will make good on that promise and serve as the cap- stone to one of the most productive stretches the Senate has seen in a very long time. And in the end, it will be the American people who benefit from the work we do here and now.

MOTION TO PROCEED
So I move to proceed to Calendar No. 464, H.R. 5376.

The PRESIDING OFFICER. The clerk will report the motion.

The Senator from New York [Mr. SCHUMER].

I move to proceed to Calendar No. 464, H.R. 5376. Themotion is as follows:

Motion to proceed to Calendar No. 464, H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

Vote on Motion

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient sec- ond.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 287 Leg.]

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(Ms. BALDWIN assumed the Chair.)

The VICE PRESIDENT. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 5194, AS MODIFIED

(Purpose: In the nature of a sub- stitute.)

Mr. SCHUMER. Madam President, I call up amendment No. 5194, as modi- fied, with the changes at the desk, and I ask that it be reported by number.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5194, as modified.

The amendment is as follows: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Inflation Reduction Act of 2022”.

TITLE I—COMMITTEE ON FINANCE

Subtitle A—Deficit Reduction

SEC. 10001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the internal revenue code of 1986.

PART I—CORPORATE TAX REFORM

SEC. 10101. CORPORATE ALTERNATIVE MINIMUM TAX.

(1) IMPOSITION OF TAX.—

(A) APPLICABLE CORPORATIONS.—In the case of an applicable corporation, the tentative minimum tax for the taxable year shall be the excess of—
“(1) 15 percent of the adjusted financial statement income for the taxable year (as determined under section 56A), over
“(ii) the corporate AMT foreign tax credit for the taxable year. 

“(B) OTHER CORPORATIONS.—In the case of any corporation which is not an applicable corporation, the tentative minimum tax for the taxable year will be zero. 

(2) APPLICABLE CORPORATION.—Section 59 is amended by adding at the end the following new subsection: 

“(k) APPLICABLE CORPORATION.—For purposes of this part— 

“(I) APPLICABLE CORPORATION DEFINED.— 

“(A) IN GENERAL.—The term ‘applicable corporation’ means, with respect to any taxable year, any corporation (other than an S corporation, a regulated investment company, or a real estate investment trust) which meets the average annual adjusted financial statement income test of subparagraph (B) for one or more taxable years which 

“(i) are prior to such taxable year, and 

“(ii) end after December 31, 2021. 

“(B) AVERAGE ANNUAL ADJUSTED FINANCIAL STATEMENT INCOME TEST.—For purposes of this subsection— 

“(i) a corporation meets the average annual adjusted financial statement income test for a taxable year if the average annual adjusted financial statement income of such corporation (determined without regard to section 55(b)(2)) for the 3-taxable-year period ending with such taxable year exceeds $1,000,000,000, and 

“(ii) in the case of a corporation described in paragraph (2), such corporation meets the average annual adjusted financial statement income test for a taxable year if— 

“(I) the corporation meets the requirements of subparagraph (B) for any taxable year (determined after the application of paragraph (2)), and 

“(II) the average annual adjusted financial statement income of such corporation (determined without regard to the application of paragraph (2) and without regard to section 56A(d)(2)) for the 3-taxable-year-period ending with such taxable year is $100,000,000 or more. 

“(C) EXCEPTION.—Notwithstanding subparagraph (B), such corporation shall not include any corporation which otherwise meets the requirements of subsection (A) if— 

“(I) the corporation has a change in ownership, or 

“(II) has a specified number (to be determined by the Secretary and which shall, as appropriate, take into account the facts and circumstances of the taxpayer) of consecutive taxable years, including the most recent taxable year, in which the corporation does not meet the average annual adjusted financial statement income test of subparagraph (B), and 

“(II) the Secretary determines that it would be appropriate to continue to treat such corporation as an applicable corporation. 

“The preceding sentence shall not apply to any corporation if, after the Secretary makes the determination described in clause (i), such corporation meets the average annual adjusted financial statement income test of subparagraph (B) for any taxability year beginning after the first taxable year for which such determination applies. 

“(D) SPECIAL RULES FOR DETERMINING APPLICABILITY OF SUBSECTION.— 

“(I) IN GENERAL.—(solely for purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjustments to the adjusted financial statement income of such corporation which was treated as a single employer with such corporation under subsection (a) or (b) of section 52 (determined with the modifications described in clause (ii)) shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income shall be determined without regard to paragraphs (2)(D)(i) and (11) of section 56A(c). 

“(ii) MODIFICATIONS.—For purposes of this subparagraph— 

“(I) section 52(a) shall be applied by substituting ‘component members’ for ‘members’ and 

“(II) for purposes of applying section 52(b), the term ‘trade or business’ shall include any activity treated as a trade or business under paragraphs (5) or (6) of section 469(c) (determined without regard to the phrase ‘To the extent provided in regulations’ in such paragraph (6)). 

“(iii) COMPONENT MEMBER.—For purposes of this subparagraph, the term ‘component member’ has the meaning given such term by section 1563(b), except that the determinant shall be made without regard to section 1563(b)(2). 

“(E) OTHER SPECIAL RULES.— 

“(I) CORPORATIONS IN EXISTENCE FOR LESS THAN 3 TAXABLE YEARS.—If the corporation was in existence for less than 3 taxable years, subparagraph (B) shall be applied on the basis of the period during which such corporation was in existence. 

“(ii) SHORT TAXABLE YEARS.—Adjusted financial statement income for any taxable year shall be annualized by multiplying the adjusted financial statement income for the short period by 12 and dividing the result by the number of months in the short period. 

“(iii) TREATMENT OF PREDECESSORS.—Any reference in this subparagraph to a corporation shall include a reference to any predecessor of such corporation. 

“(2) SPECIAL RULE FOR FOREIGN-PARENTED MULTINATIONAL GROUPS— 

“(A) IN GENERAL.—If a corporation is a member of a foreign-parented multinational group for any taxable year, then, solely for purposes of determining whether such corporation meets the average annual adjusted financial statement income test for such taxable year— 

“(I) for purposes of determining whether such corporation meets the average annual financial statement income of such corporation for such taxable year shall include the financial statement income of all members of such group. 

“(ii) increased by the amount of the items described in section 57. 

“(B) FOREIGN-PARENTED MULTINATIONAL GROUP.—For purposes of subparagraph (A), the term ‘foreign-parented multinational group’ means, with respect to any taxable year, two or more entities if— 

“(I) at least one entity is a domestic corporation and another entity is a foreign corporation, or 

“(ii) such entities are included in the same applicable multinational financial statement with respect to such year, and 

“(iii) either— 

“(I) the common parent of such entities is a foreign corporation, or 

“(II) if there is no common parent, the entities are treated as having a common parent which is a foreign corporation under subparagraph (B); 

“(C) FOREIGN CORPORATIONS ENGAGED IN A TRADE OR BUSINESS WITHIN THE UNITED STATES.—For purposes of this paragraph, if a foreign corporation engaged in a trade or business within the United States, such trade or business shall be treated as a separate domestic corporation that is wholly owned by the foreign corporation. 

“(D) OTHER RULES.—The Secretary shall, applying the principles of this section, prescribe rules for the application of this paragraph, including rules for the determination of— 

“(i) the entities (if any) which are to be treated under subparagraph (B)(ii)(II) as having a common parent which is a foreign corporation, 

“(ii) the entities to be included in a foreign-parented multinational group, and 

“(iii) the common parent of a foreign-parented multinational group. 

“(3) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall provide regulations or other guidance for the purposes of carrying out this subsection, including regulations or other guidance— 

“(A) providing a simplified method for determining whether a corporation meets the requirements of paragraph (1), and 

“(B) defining the meaning of any term used in this subsection that experiences a change in ownership. 

“(4) REDUCTION FOR BASE EROSION AND ANTI-AVOIDANCE TAX.—Section 55(a)(2) is amended by inserting “plus, in the case of an applicable corporation, the tax imposed by section 59A” before the period at the end. 

“(4) CONFORMING AMENDMENTS.— 

“(A) Section 55(a) is amended by striking “In the case of a taxpayer other than a corporation, there” and inserting “There”. 

“(B) Section 55(d)(1) is amended— 

“(I) by striking so much as precedes subsection (A) and inserting the following: 

“(I) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation— 

“(II) by adding at the end the following new subparagraph: 

“(II) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term ‘alternative minimum taxable income’ means the taxable income of the taxpayer for the taxable year determined without regard to paragraphs (2)(D)(i), and 

“(II) increased by the amount of the items described in section 57. 

“If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section and, if the regular tax is determined by reference to an amount other than taxable income, such amount shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence. 

“(II) Section 860E(a)(4) is amended by striking “55b(b)” and inserting “55b(b)(1)(C)”. 

“(II) Section 877A(b)(2)(A)(ii) is amended by striking “55b(b)” and inserting “55b(b)(1)(C)”. 

“(C) Section 11(d) is amended by striking “the taxes imposed by subsection (a)” and inserting “the taxes imposed by subsection (a) and section 55”. 

“(D) Section 12 is amended by adding at the end the following new subparagraph: 

“(E) For alternative minimum tax, see section 55..” 

“(E) Section 882(a)(1) is amended by inserting “55” after amendment 111VI. 

“(F) Section 6425(c)(1)(A) is amended to read as follows: 

“(A) the sum of— 

“(I) the tax imposed by section 11 or subchapter L of chapter 1, whichever is applicable, plus 

“(II) the tax imposed by section 55, plus 

“(III) the tax imposed by section 59A, over; 

“(G) Section 6655(e)(2) is amended by inserting “, adjusted financial statement income of such corporation in section 56A,” before “and modified taxable income” each place it appears in subparagraphs (A)(i) and (B)(i). 

“(H) Section 6655(g)(1)(A) is amended by redesigning clause (ii) as clauses (ii), (iii) and (iv), respectively, and by inserting after clause (i) the following new clause: 

“"(I) the tax imposed by section 59A, or”
(ii) the tax imposed by section 55.

(b) Adjusted Financial Statement Income.

(1) In General.—Part VI of subchapter A of chapter 1 is amended by inserting after section 56 the following new section:

SEC. 56A. ADJUSTED FINANCIAL STATEMENT INCOME.

(a) In General.—For purposes of this part, the term ‘adjusted financial statement income’ means, with respect to any corporation for any taxable year, the net income or loss of the corporation, adjusted (determined under rules similar to the rules under section 951(a)(2)) of its items taken into account in computing the net income or loss of the corporation, appropriately adjusted to disregard any Federal income taxes, war profits, or excess profits taxes (within the meaning of section 901) with respect to a foreign country or possession of the United States, which are taken into account on the corporation’s applicable financial statement. To the extent provided in rules prescribed by the Secretary in regulations or other guidance, adjusted financial statement income shall be—

(i) appropriately adjusted to disregard any Federal income taxes, war profits, or excess profits taxes (within the meaning of section 901) that are imposed by a foreign country or possession of the United States and taken into account on the corporation’s applicable financial statement.

(ii) to take into account any other item lost of the corporation.

(iii) to take into account any other item specified by the Secretary in order to provide for the avoidance of taxes imposed by this chapter.

(iv) to adjust any amount treated as a payment against the tax imposed by subtitle A pursuant to an election under section 48(d) or 481, to the extent that the amount was not otherwise taken into account under paragraph (5).

(b) Rules for Amounts Not Representing Reasonable Compensation.—The Secretary shall provide regulations to prevent the avoidance of taxes imposed by this chapter with respect to amounts not representing reasonable compensation (as determined by the Secretary with respect to a mortgage servicing contract).

(2) Special Rules for Related Entities.

(A) Consolidated Financial Statements.—If the financial results of a taxpayer are reported on the applicable financial statement for a group of entities, rules similar to the rules of section 54(d)(5) shall apply.

(B) Consolidated Returns.—Except as provided in regulations prescribed by the Secretary, if the taxpayer is part of an affiliated group of corporations filing consolidated returns, the term ‘consolidated return’ for any taxable year, adjusted financial statement income for such group for such taxable year shall take into account items on the group’s applicable financial statement which are properly allocable to members of such group.

(3) Treatment of Dividends and Other Amounts.—In the case of any corporation which is not included on a consolidated return with the taxpayer, adjusted financial statement income of the taxpayer with respect to such other corporation shall be determined by only taking into account the dividends received from such other corporation (as determined by the Secretary in regulations or other guidance) and other amounts which are includible in gross income or deductible as a loss under this chapter. Such amounts may be included under sections 911 and 951A or such other amounts as provided by the Secretary with respect to such other corporation.

(D) Treatment of Partnerships.

(i) In General.—Except as provided by the Secretary, if the taxpayer is a partner in a partnership the taxpayer’s adjusted financial statement income of the taxpayer with respect to such partnership shall be determined by only taking into account the taxpayer’s distributive share of such partner’s adjusted financial statement income of such partnership.

(ii) Adjusted Financial Statement Income of Partnerships.—For the purposes of this part, the term ‘adjusted financial statement income’ of a partnership shall be the partnership’s net income or loss set forth on such partnership’s applicable financial statement (adjusted in accordance with rules similar to the rules of this section).

(3) Adjustments to Take into Account Certain Items of Foreign Income.

(A) In General.—For any taxable year, a taxpayer is United States shareholder of one or more controlled foreign corporations, the adjusted financial statement income of such taxpayer with respect to such controlled foreign corporation (as determined under paragraph (2)(C)) shall be adjusted to allow for the excess of the taxpayer’s pro rata share (determined under rules similar to the rules under section 951(a)(2)) of items taken into account in computing the net income or loss of the corporation, appropriately adjusted to disregard any Federal income taxes, war profits, or excess profits taxes (within the meaning of section 901) with respect to which such taxpayer is a United States shareholder.

(B) Negative Adjustments.—In any case in which the adjustment determined under subparagraph (A) would result in a negative adjustment for such taxable year—

(i) no negative adjustment shall be made under this paragraph for such taxable year, and

(ii) the amount of the adjustment determined under this paragraph for the succeeding taxable year (determined without regard to this paragraph) shall be reduced by an amount equal to the negative adjustment for such taxable year.

(4) Effective Date.—The rules of this section shall apply to taxable years beginning after December 31, 2008.
Section 10201. Excise Tax on Repurchase of Corporate Stock

(a) General Rule.—There is hereby imposed on each covered corporation a tax equal to 1 percent of the fair market value of any stock of the covered corporation repurchased by such corporation during the taxable year.

(b) Covered Corporation.—For purposes of this section, the term 'covered corporation' means any domestic corporation the stock of which is traded on an established securities market (within the meaning of section 7701(a)(1)).

(c) Repurchase.—For purposes of this section:

(1) In General.—The term 'repurchase' means—

(A) a redemption within the meaning of section 317(b) with regard to the stock of a covered corporation, and

(B) any transaction determined by the Secretary to be economically similar to a transaction described in subparagraph (A).

(2) Treatment of Purchases by Specified Affiliate.—

(A) In General.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation, from a person who is neither the covered corporation nor a specified affiliate of such covered corporation, shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.

(B) Specified Affiliate.—For purposes of this section, the term 'specified affiliate' means, with respect to any corporation—

(i) any corporation more than 50 percent of the capital interests or profits interests of which is owned, by vote or by value, directly or indirectly, by such corporation, and

(ii) any partnership more than 50 percent of the capital interests or profits interests of which is held, directly or indirectly, by such corporation.

(3) Adjustment.—The amount taken into account under subsection (a) with respect to any stock repurchased by a covered corporation shall be reduced by the fair market value of any stock issued or provided to employees of such covered corporation or employees of a specified affiliate of such covered corporation during the taxable year, whether or not such stock is issued or provided in response to the exercise of an option to repurchase such stock.

(4) Special Rules for Acquisition of Stock of Certain Foreign Corporations.
“(1) IN GENERAL.—In the case of an acquisition of stock of an applicable foreign corporation by a specified affiliate of such corporation (other than a foreign corporation or a covered corporation), any amounts that are attributable to stock held by such specified affiliate with a direct or indirect partner) from a person who is not the applicable foreign corporation or a specified affiliate, or to purchase of stock of such covered corporation, for purposes of this section—

(A) such specified affiliate shall be treated as a covered corporation with respect to such acquisition,

(B) such acquisition shall be treated as a repurchase of stock of such covered corporation by such specified affiliate, and

(C) the amount under subsection (c)(3) shall be determined only with respect to stock issued or provided by such specified affiliate to employees of the specified affiliate.

(2) SURROGATE FOREIGN CORPORATIONS.—In the case of a repurchase of stock of a covered surrogate foreign corporation, or an acquisition of stock of a covered surrogate foreign corporation by a specified affiliate of such corporation, for purposes of this section—

(A) the expatriated entity with respect to such acquisition shall be treated as a covered corporation with respect to such repurchase or acquisition,

(B) such repurchase or acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued or provided by such expatriated entity to employees of the expatriated entity.

(3) DEFINITIONS.—For purposes of this section—

(A) APPLICABLE FOREIGN CORPORATION.—The term ‘applicable foreign corporation’ means any foreign corporation the stock of which is traded on an established securities market (within the meaning of section 7703(b)(1)) and which meets all other requirements with respect to taxable years which include any portion of the applicable period with respect to such corporation under section 7703(d)(1).

(B) COVERED SURROGATE FOREIGN CORPORATION.—The term ‘covered surrogate foreign corporation’ means any surrogate foreign corporation (as determined under section 7774(a)(2)(B)) by substituting ‘September 20, 2021’ for ‘March 4, 2003’ each place it appears) the stock of which is traded on an established securities market (within the meaning of section 7703(b)(1)), but only with respect to taxable years which include any portion of the applicable period with respect to such corporation under section 7703(d)(1).

(C) EXPATRIATED ENTITY.—The term ‘expatriated entity’ has the meaning given such term by section 7774(a)(2)(A).

(e) EXCEPTIONS.—Subsection (a) shall not apply—

(1) to the extent that the repurchase is part of a reorganization (within the meaning of section 368(a)) and no gain or loss is recognized on such repurchase by the shareholder under chapter 1 by reason of such reorganization,

(2) in any case in which the stock repurchased is, or an amount of stock equal to the value of stock, is contributed to an employer-sponsored retirement plan, employee stock ownership plan, or similar plan,

(3) in any case in which the total value of the stock repurchased during the taxable year does not exceed $1,000,000, and

(4) under regulations prescribed by the Secretary, in cases in which the repurchase is by a dealer in securities in the ordinary course of business.

(5) to repurchases by a regulated investment company (as defined in section 851) or a real estate investment trust, or

(6) to the extent that the repurchase is treated as a dividend for purposes of this title.

(1) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as are necessary to carry out, and to prevent the avoidance of, the purposes of this title, including regulations and other guidance—

(a) to prevent the abuse of the exceptions provided by subsection (e),

(b) to address special classes of stock and preferred stock, and

(c) for the application of the rules under subsection (d)."

(2) TAX NOT DEDUCTIBLE.—Paragraph (6) of section 275(a) is amended by inserting ‘‘37,’’ before ‘‘41’’.

(c) CEREMONIAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting chapter 37 before chapter 38 the following new item:

‘‘CHAPTER 37—REPURCHASE OF CORPORATE STOCK’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchas (within the meaning of section 456(c) of the Internal Revenue Code of 1986, as added by this section) of stock after December 31, 2021.

PART 5—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAX-PAINTER COMPLIANCE

SEC. 10301. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.

(a) IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022:

(1) INTERNAL REVENUE SERVICE.

(A) TAXPAYER SERVICES.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,161,500,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(B) TASK FORCE TO DESIGN AN IRS-RUN FREE ‘‘DIRECT EFILE’’ TAX RETURN SYSTEM.—For necessary expenses of the Internal Revenue Service to deliver to Congress, within nine months following the date of the enactment of this Act, a report on (I) the cost (including options for differential coverage based on taxpayer adjusted gross income and return complexity) of developing and maintaining a free direct efile tax return system, including costs to build and administer each release, with a focus on multi-lingual and mobile-friendly features and taxpayer data; (II) taxpayer opinions, expectations, and level of trust, based on surveys, for such direct efile system; (III) the opinions of an independent third-party on the overall feasibility, approach, schedule, cost, organizational design, and Internal Revenue Service capacity to deliver such a direct efile tax return system, $15,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(B) ADMINISTRATION.—For necessary expenses of the Treasury Inspector General for Tax Administration, $403,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(2) TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—For necessary expenses of the Office of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)), and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General, $405,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(3) OFFICE OF TAX POLICY.—For necessary expenses of the Office of Tax Policy of the Department of the Treasury to carry out functions related to promulgating regulations under the Internal Revenue Code of 1986, $104,533,803, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(4) UNITED STATES TAX COURT.—For necessary expenses of the United States Tax Court, including contract amounts, $460,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(5) TREASURY DEPARTMENTAL OFFICES.—For necessary expenses of the Departmental Offices of the Department of the Treasury to provide for oversight and implementation support for actions by the Internal Revenue Service to implement this Act and the amendments made by this Act, $51,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(b) NO TAX INCREASES ON CERTAIN TAXPAYERS.—Nothing in this section is intended
to increase taxes on any taxpayer or small business with a taxable income below $400,000. Further, nothing in this section is intended to increase taxes on any taxpayer not in compliance.

**Subtitle B—Prescription Drug Pricing Reform**

**PART I—LOWERING PRICES THROUGH DRUG PRICE NEGOTIATION**

**SEC. 1101. PROVIDING FOR LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS.**

(a) **Program To Lower Prices for Certain High-Priced Single Source Drugs.**—Title XI of the Social Security Act is amended by adding after section 1194 (42 U.S.C. 1395d–23) the following new part:

**PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS**

**SEC. 1191. ESTABLISHMENT OF PROGRAM.**

"(a) In General.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the 'program').

"(b) Definitions Relating to Timing.—For purposes of this part:

"(1) INITIAL PRICE APPLICABILITY YEAR.—The term 'initial price applicability year' means a year (beginning with 2026).

"(2) NEGOTIATION PERIOD.—The term 'negotiation period' means, with respect to a selected drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.

"(3) NEGOTIATION YEAR.—The term 'negotiation year' means a year during a price applicability period and, with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price negotiated pursuant to section 1194, with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price applicable with respect to such drug for such year; and

"(4) NEGOTIATION-ELIGIBLE DRUGS.—The term 'negotiation-eligible drugs' with respect to such drug for such year means the total expenditures being ranked the highest.

"(5) NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.—(a) In General.—Not later than the selected drug publication date with respect to such drug, the Secretary shall select and publish a list of—

"(1) with respect to the initial price applicability year 2026, the following negotiation-eligible drugs described in paragraph (A) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year (or, all (if such number is less than 10) such negotiation-eligible drugs with respect to such year);

"(2) with respect to the initial price applicability year 2027, the following negotiation-eligible drugs described in paragraph (A) of subsection (d)(1), with respect to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year);

"(3) with respect to the initial price applicability year 2028, 15 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1) with respect to such year (or, all (if such number is less than 20) such negotiation-eligible drugs with respect to such year).

Subject to subsection (c)(2) and section 1194(b)(5), each drug published on the list pursuant to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such drug prior to such year (or, all (if such number is less than 15) such negotiation-eligible drugs with respect to such year).

"(4) with respect to the initial price applicability year 2029 or a subsequent year, 20 negotiation-eligible drugs described in subparagraph (A) or (B) of subsection (d)(1), with respect to such year (or, all (if such number is less than 20) such negotiation-eligible drugs with respect to such year).

(b) Selection of Drugs.—

"(1) In General.—In carrying out subsection (a), subject to paragraph (2), the Secretary shall, with respect to each initial price applicability year, do the following:

"(A) Rank negotiation-eligible drugs described in subsection (d)(1) according to the total expenditures for such drugs under part B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date, with respect to such year, for which data are available, by subparagraph (A) or (B) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to the highest total expenditures being ranked the highest.

"(B) Select from such ranked drugs with respect to each year the negotiation-eligible drugs with the highest such rankings.

"(2) High Spend Part D Drugs for 2026 and 2027.—With respect to the initial price applicability year 2026 and with respect to the initial price applicability year 2027, the Secretary shall, with respect to such year, do the following:

"(A) Rank negotiation-eligible drugs described in subsection (d)(1) according to the total expenditures for such drugs under part B and D of title XVIII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date, with respect to such year, for which data are available, by subparagraph (A) or (B) of subsection (d)(1) and, to the extent the reference to 'negotiation-eligible drugs described in subsection (d)(1)' were a reference to 'negotiation-eligible drugs with respect to such year' and the reference to 'total expenditures for such drugs under the program', with respect to each such year.
parts B and D of title XVIII” were a reference to “total expenditures for such drugs under part D of title XVIII.”

(c) SELECTED DRUGS.—

(1) IN GENERAL.—For purposes of this part, in accordance with subsection (e)(2) and subject to paragraph (2), each negotiation-eligible drug that is listed under subsection (a) with respect to an initial price applicability year shall be referred to as a “selected drug” with respect to such year and such subsequent year beginning, before the first year that begins at least 9 months after the date on which the Secretary determines at least one drug or biological product that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351(k) of such Act or a drug or biological product with respect to which the provisions of this paragraph have been amended by section 1108B(b) of the Biologics Price Competition and Innovation Act of 2009.

(2) CLARIFICATION.—A negotiation-eligible drug shall be considered as a selected drug under this part, subject to paragraph (2), if the manufacturer of such drug is approved under section 351(a) of such Act; and if such drug is marketed pursuant to such approval or licensure.

(B) CLARIFICATIONS AND DETERMINATIONS.—

(i) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this paragraph.

(ii) LIMITATION.—A drug shall not be considered to be a single source drug described in clause (i) or (ii) of subparagraph (A) if the manufacturer of such drug is acquired after 2021 by another manufacturer that does not meet the definition of a specified manufacturer under section 1860D-14A(c)(5)(B)(i) and (ii), effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2023, effective January 1, 2023.

(3) CLARIFICATIONS AND DETERMINATIONS.—

(A) PREVIOUSLY SELECTED DRUGS AND SMALL SELECTED DRUGS.—In applying subparagraphs (A) and (B) of paragraph (1), the Secretary shall not consider as a selected drug any drug that—

(i) is not a new formulation, such as an extended release formulation, of a qualifying single source drug described in subparagraph (A).

(ii) is a new formulation, such as an extended release formulation, of a qualifying single source drug described in subparagraph (A).

(B) USE OF DATA.—In determining whether a qualifying single source drug satisfies any requirement of clause (i) or (ii), the Secretary shall use data that is aggregated across dosage forms and strengths of the drug, including new formulations, and described in paragraph (2)(A).

(v) QUALIFYING SINGLE SOURCE DRUG.—

(i) IN GENERAL.—For purposes of this part, the term ‘qualifying single source drug’ means, with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs (or, with respect to the initial price applicability year 2026 or 2027, that is described in subparagraph (A)):

(A) PART D HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the top 100 highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent 12-month period for which data are available prior to such selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date).

(B) PART B HIGH SPEND DRUGS.—The qualifying single source drug is, determined in accordance with subsection (e)(2), among the top 100 highest total expenditures under part D of title XVIII, as determined by the Secretary in accordance with paragraph (3), during the most recent 12-month period, as described in subparagraph (A).

(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such approval; and

(iii) that is not the listed drug for any drug or biological product that is licensed and marketed under section 351(k) of such Act.

(2) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (A) or (B) of paragraph (1) that is the listed drug (as such term is used in section 351(k) of the Federal Food, Drug, and Cosmetic Act) or a product described in clause (ii) of subparagraph (B), with respect to an authorized generic drug, in applying the provisions of this paragraph the term ‘qualified generic drug’ means—

(i) the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

(ii) the case of a biological product, a product that—

(I) has been licensed under section 351(a) of such Act; and

(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackageing as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

(B) AUTHORIZED GENERIC DRUG DEFINED.—For purposes of this paragraph, the term ‘authorized generic drug’ means—

(i) the case of a drug, an authorized generic drug (as such term is defined in section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act); and

(ii) the case of a biological product, a product that—

(I) has been licensed under section 351(a) of such Act; and

(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackageing as the reference product in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the reference product.

(C) SPECIAL RULES.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication or (indications) is for such disease or condition.

(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary in accordance with subsection (d)(3)(B)—

(i) with respect to initial price applicability year 2026, is less than, during the period beginning on June 1, 2022, and ending on May 31, 2023, $200,000,000; or

(ii) with respect to initial price applicability year 2027, is less than, during the most recent 12-month period after the applicable subsection (A) or (B) of section 351(c) for such year, the dollar amount specified in clause (i) increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the period beginning on June 1, 2023, and ending on September 30, 2024; or

(iii) with respect to a subsequent initial price applicability year, is less than, during the most recent 12-month period before the applicable subsection (A) or (B) of section 351(c) for such year, the dollar amount specified in clause (i) increased by the annual percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the period beginning on May 31, 2023, and ending on August 6, 2024.
amount specified in this subparagraph for the previous initial price applicability year increased by the annual percentage increase in such consumer price index for the 12-month period ending on September 30 of the year prior to the year of the selected drug publication date with respect to such subsequent initial price applicability year.

"(C) PROOF OF PURCHASE.—A biological product that is derived from human whole blood or plasma.

**SEC. 1193. MANUFACTURER AGREEMENTS.**

"(a) IN GENERAL.—For purposes of section 1193(c)(2)(A)(i), a manufacturer shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

"(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and the manufacturer, in accordance with section 1194, negotiate to determine (and, by not later than the last date of such period, agree to) a maximum fair price for such selected drug of the manufacturer in order for the manufacturer to provide access to such price.

"(2) if maximum fair price eligible individuals who with respect to such drug are described in subparagraph (A) of section 1191(c)(2) are dispensed such drug (and to pharmacies, mail order services, and other dispensers, with respect to such maximum fair price eligible individuals who are dispensed such drugs) during September 30 of the price applicability period, and

"(B) to hospitals, physicians, and other providers of services and suppliers with respect to such maximum fair price eligible individuals who are dispensed such drugs during September 30 of the price applicability period; and

"(B) Agreement in Effect until Drug is No Longer a Selected Drug.—An agreement under this subparagraph (A) shall be effective, with respect to a selected drug, until such drug is no longer considered a selected drug under section 1192(c).

"(c) CONFIDENTIALITY OF INFORMATION.—Information submitted to the Secretary under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States for purposes of carrying out the functions under this part by a manufacturer of a selected drug; and

"(d) NONDUPlication WITH 340B Ceiling Price.—Under an agreement entered into under this section, the manufacturer of a selected drug—

"(1) shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

"(2) shall be required to provide access to the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

**SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.**

"(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug (or selected drugs), with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

"(I) shall during the negotiation period with respect to such drug, in accordance with the formula for the maximum fair price for such drug, negotiate a maximum fair price for such drug under section 1193(a)(1); and

"(II) negotiate, in accordance with the process specified pursuant to subsection (f), such maximum fair price for such drug for the purpose described in section 1193(a)(2) if such drug is a renegotiation-eligible drug under such subsection.

"(b) NEGOTIATION PROCESS REQUIREMENTS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), for negotiations under subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

"(II) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement under this paragraph (1), for purposes of administering the program and monitoring compliance with the program.

"(b) AGREEMENT IN EFFECT UNTIL DRUG IS NO LONGER A SELECTED DRUG.—An agreement under this part by a manufacturer of a selected drug that is proprietary information of such manufacturer (as determined by the Secretary) shall be used only by the Secretary or disclosed to and used by the Comptroller General of the United States for purposes of carrying out the functions under this part by a manufacturer of a selected drug; and

"(c) NONDUPlication WITH 340B Ceiling Price.—Under an agreement entered into under this section, the manufacturer of a selected drug—

"(1) shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

"(2) shall be required to provide access to the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

"(II) shall be justified based on the factors described in subsection (e).

"(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (A) the Secretary shall respond in writing to such counteroffer.

"(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall be completed no later than 30 days after the date of receipt of offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

**SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.**

"(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug (or selected drugs), with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

"(I) shall during the negotiation period with respect to such drug, in accordance with the formula for the maximum fair price for such drug, negotiate a maximum fair price for such drug under section 1193(a)(1); and

"(II) shall be justified based on the factors described in subsection (e).

"(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (A) the Secretary shall respond in writing to such counteroffer.

"(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall be completed no later than 30 days after the date of receipt of offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

"(IV) NONDUPLICATION WITH 340B Ceiling Price.—Under an agreement entered into under this section, the manufacturer of a selected drug—

"(I) shall not be required to provide access to the maximum fair price under subsection (a)(3), with respect to such selected drug and with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity described in section 340B(a)(4) of the Public Health Service Act, to such covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

"(II) shall be required to provide access to the maximum fair price to such covered entity with respect to maximum fair price eligible individuals who are eligible to be furnished, administered, or dispensed such drug at a covered entity if such selected drug is subject to an agreement described in section 340B(a)(1) of such Act and the ceiling price (defined in section 340B(a)(5) of such Act) is lower than the maximum fair price for such selected drug; and

"(II) shall be justified based on the factors described in subsection (e).

"(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (A) the Secretary shall respond in writing to such counteroffer.

"(E) DEADLINE.—All negotiations between the Secretary and the manufacturer of the selected drug shall be completed no later than 30 days after the date of receipt of offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

"(C) Ceiling For Maximum Fair Price.—

"(I) General Ceiling.—

"(A) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first initial price applicability year of the price applicability period with respect to such drug, shall not be as low as the amount under subparagraph (B) or the amount under subparagraph (C).
(C) SUBPARAGRAPH (C) AMOUNT.—An amount equal to the applicable percent described in this paragraph is the applicable

percent described in this paragraph is the following:

(1) SHORT-MONOPOLY DRUGS AND VACCINES.—With respect to a selected drug (other than a long-monopoly drug and a long-monopoly drug), 75 percent.

(2) EXTENDED-MONOPOLY DRUGS.—With respect to an extended-monopoly drug, 65 percent.

(3) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

(4) EXTENDED-MONOPOLY DRUG DEFINED.—In this paragraph, subject to subparagraph (B), the term 'extended-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which, for less than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

(5) LONG-MONOPOLY DRUG DEFINED.—In general, in this paragraph, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which, for less than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

(6) AVERAGE NON-FEDERAL AVERAGE MANUFACTURER PRICE.—In this paragraph, subject to subparagraph (B), the term 'average non-Federal average manufacturer price' means the average of the non-Federal average manufacturer prices for such drug for the 4 calendar quarters of the year prior to the year of the selected drug publication date with respect to initial price applicability year.

(B) SUBPARAGRAPH (B) AMOUNT.—An amount equal to the applicable percent described in this paragraph is the applicable

percent described in this paragraph is as follows:

(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to section 351A of the Public Health Service Act, as applicable.

(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year.

(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall apply to a selected drug described in paragraph (5)(A) (other than a long-monopoly drug) if the selected drug meets the definition of a long-monopoly drug.

(5) LONG-MONOPOLY DRUG DEFINED.—(A) IN GENERAL.—In this paragraph, subject to subparagraph (B), the term 'long-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which, for less than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

(B) EXCLUSION.—The term 'long-monopoly drug' shall not include any of the following:

(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to section 351A of the Public Health Service Act, as applicable.

(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year.

(ii) PART B DRUG OR BIOLOGICAL.—In the case of a selected drug marketed pursuant to section 1847A(b)(4) for the drug or biological product for the year prior to the selected drug publication date with respect to initial price applicability year.

(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall limit the selection of a selected drug described in paragraph (5)(A) (other than a long-monopoly drug) if the selected drug meets the definition of a long-monopoly drug.

(7) EXTENDED-MONOPOLY DRUG.—A selected drug that—

(A) the negotiated price of the drug under such plan (as defined in part C Title XVIII, net of all price concessions received by such plan or pharmacy benefit managers on behalf of such plan, for the most recent year for which data is available), and

(B) a fraction—

(i) the numerator of which is the total number of individuals enrolled in such plan in such year, and

(ii) the denominator of which is the total number of individuals enrolled in a prescription drug plan or a MA-PD plan in such year.

(3) APPLICABLE PERCENT DESCRIBED.—For purposes of this subsection, the applicable

percent described in this paragraph is the following:

(1) SHORT-MONOPOLY DRUGS AND VACCINES.—With respect to a selected drug (other than a long-monopoly drug and a long-monopoly drug), 75 percent.

(2) EXTENDED-MONOPOLY DRUGS.—With respect to an extended-monopoly drug, 65 percent.

(3) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

(4) EXTENDED-MONOPOLY DRUG DEFINED.—In this paragraph, subject to subparagraph (B), the term 'extended-monopoly drug' means, with respect to an initial price applicability year, a selected drug for which, for less than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug under section 351(a) of the Public Health Service Act, as applicable.

(B) EXCLUSION.—The term 'extended-monopoly drug' shall not include any of the following:

(i) A vaccine that is licensed under section 351 of the Public Health Service Act and marketed pursuant to section 351A of the Public Health Service Act, as applicable.

(ii) A selected drug for which a manufacturer had an agreement under this part with the Secretary with respect to an initial price applicability year.

(C) CLARIFICATION.—Nothing in subparagraph (B)(ii) shall apply to a selected drug described in paragraph (5)(A) (other than a long-monopoly drug) if the selected drug meets the definition of a long-monopoly drug.
(C) CHANGE OF STATUS TO A LONG-MONOPOLY DRUG.—A selected drug that—
(i) is not a long-monopoly drug; and
(ii) for which there is a change in status to the extent practicable,
shall be selected, not later than March 1 of the year prior to such initial price applicability year and a selected drug with respect to such year—
(1) not later than November 30 of the year that is 2 years prior to such initial price applicability year, for purposes of applying subsection (c)(3)(B) in the case of a selected drug with respect to such drug, the maximum fair price by not later than 30 days after the date such maximum price is so determined.

8. SEC. 1196. ADMINISTRATIVE DUTIES AND COMPLIANCE MONITORING.

(a) Administrative fines.—For purposes of section 1191(c)(2), the administrative duties described in this section are the following:
(1) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—
(A) any coverage or financial assistance under other health care plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of maximum fair price eligible individuals; and
(B) any other discounts.
(2) The establishment of procedures to compute and apply the maximum fair price for each drug in the case of a selected drug and not based on the specific formulation or package size or package type of such drug.
(3) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to—
(A) maximum fair price eligible individuals who are not benefit plan enrollees for such drug plan under part D of title XVIII or an MA–PD plan under part C of such title; and
(B) maximum fair price eligible individuals who are enrolled in a MA plan under part C of such title, including who are enrolled in an MA plan under part C of such title.

9. SEC. 1197. CIVIL MONETARY PENALTIES.

(a) Violations relating to offering of maximum fair price.—Any manufacturer of a selected drug that has entered into an agreement under section 1193, with respect to a selected drug, with respect to such drug, and year, which shall be—
(1) a maximum fair price eligible individual who with respect to such drug is defined in subparagraph (c)(2)(B) of such section and is dispensed such drug during such year by such manufacturer with respect to such individual or hospital, physician, provider of services, or supplier and the maximum fair price for such drug for such year.

10. SEC. 1198. LIMITATION ON ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) There shall be no administrative or judicial review of any determination of any agreement under paragraph (2) of subparagraph (A) of section 1194(b)(2)(A), and the date on which any subsequent agreement under such program is entered into;
(b) the date on which the Secretary receives notification of any termination of an agreement entered into under this section; and
(c) the date on which the Secretary receives notification of any termination of a rebate agreement described in section 1197(b) and the date on which any subsequent rebate agreement described in such section is entered into.

11. SEC. 1199. COMPLIANCE MONITORING. The Secretary shall monitor compliance by a manufacturer with the terms of an agreement entered into under section 1193 to establish a mechanism through which violations of such terms shall be reported.

12. SEC. 1200. RIGHTS OF APPLICANTS AND REVIEW. Any applicant, including the applicability of such tax to a person or entity other than the manufacturer, with respect to such drug, that is in violation of a requirement imposed pursuant to section 1193(a)(5), including the requirement of a requirement imposed pursuant to section 1193(a)(4), shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

13. SEC. 1201. APPLICABILITY. Any manufacturer or a selected drug that has entered into an agreement under section 1193, with respect to a selected drug, with respect to such drug, and year, shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

14. SEC. 1202. APPLICABILITY. Any manufacturer or a selected drug that has entered into an agreement under section 1193, with respect to a selected drug, with respect to such drug, and year, shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

15. SEC. 1203. APPLICABILITY. Any manufacturer or a selected drug that has entered into an agreement under section 1193, with respect to a selected drug, with respect to such drug, and year, shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.

16. SEC. 1204. APPLICABILITY. Any manufacturer or a selected drug that has entered into an agreement under section 1193, with respect to a selected drug, with respect to such drug, and year, shall be subject to a civil monetary penalty equal to $100,000,000 for each item of such false information.
“(2) The selection of drugs under section 1192(b), the determination of negotiation-eligible drugs under section 1192(d), and the determination of qualifying single source drugs under section 1192(e) shall be expanded—

“(3) The determination of a maximum fair price under subsection (b) or (f) of section 1194—

“(4) The determination of renegotiation-eligible drugs under section 1194(f)(2) and the selection of renegotiation-eligible drugs under section 1194(f)(3).”.

(2) Application of Maximum Fair Prices and Covered Drugs

(A) Under Medicare.—

(i) General.—

The PDP sponsor offering a prescription drug plan shall (as defined in section 1191(c)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(3)) applicable for such drug and a year during such period after “paragraph (4)”.

(B) Application under MA and Cost-Sharing for Part D Drugs Based Off of Negotiated Prices.—Section 1860D–25(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)(1)(B)) is amended—

(i) by redesignating subsection (B) as subsection (C); and

(ii) by inserting after “(i)” the following new subclause:

“(VI) A drug or biological product that is a selected drug (as referred to in section 1192(c)) during a price applicability period (as defined in section 1191(b)(2)), 106 percent of the maximum fair price (as defined in section 1191(c)(3)) applicable for such drug and a year during such period after “paragraph (4)”.

(C) Exception to Part D Non-Interference.—Section 1860D–11(i)(B) of the Social Security Act (42 U.S.C. 1395w–11(i)(B)) is amended—

(i) in paragraph (1), by striking “and” at the end; and

(ii) in paragraph (2), by striking “or institute a price structure” at the end and inserting “subject to a price structure for the reimbursement of covered part D drugs,” and inserting “, except as provided under section 1860D–4(b)(d)(1); and”;

and

(iii) by adding at the end the following new subparagraph:

“(3) May not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of title XI.”.

(D) Application as Negotiated Price Under Medicaid.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended—

(i) in subparagraph (B), by inserting “, subject to”, after “negotiated prices”;

and

(ii) by adding at the end the following new subparagraph:

“(2) Determination of application of maximum fair price for selected drugs.—In applying this section, in the case of a covered part D drug that is a selected drug (as referred to in section 1192(e)) during a price applicability period (as defined in section 1191(c)(2)), the negotiated prices used for payment (as described in this subsection) shall be no greater than the maximum fair price (as defined in section 1191(c)(3)) for such drug and for each year during such period plus any dispensing fees for such drug.

(E) Average of Selected Drugs.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

“(2) Defined as negotiated price under section 1192(e) during a price applicability period (as defined in section 1191(c)(3)) for such drug and a year during such period plus any dispensing fees for such drug.

(F) Information from Prescription Drug Plans and MA–PD Plans Required.—

(3) Prescription Drug Plans.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new subparagraph:

“(9) The determination of renegotiation-eligible drugs under section 1194(f)(2) and the selection of renegotiation-eligible drugs under section 1194(f)(3).”.

(4) Medicare Part D.—Section 1860D–13(c) of the Social Security Act (42 U.S.C. 1395w–153(c)) is amended—

(I) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(II) by striking “AGREEMENTS.—Subsection” and inserting the following:

“(I) In general.—Subject to paragraph (2), subsection”;

and

(III) by adding at the end the following new paragraph:

“(2) Exception.—Paragraph (1)(A) shall not apply to a covered part D drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.”.

(II) Medicaid and Medicare Part D.—Section 1927(a)(3) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)) is amended by adding at the end the following new sentence: “The preceding sentence shall not apply to a single source drug or innovator multiple source drug of a manufacturer for any period described in section 5000D(c)(1) of the Internal Revenue Code of 1986 with respect to the manufacturer.”.

(H) Disclosure of Information Under Medicare Part D.—

(1) Contract Requirements.—Section 1860B–4(a)(1) of the Social Security Act (42 U.S.C. 1395w–112(b)(3)(D)(i)) is amended by adding at the end “, or carrying out part E of title XI after “appropriate”).


(I) bear on the application to payment under part D of title XI.”.

(2) Special Rule To Delay Selection and Negotiation of Biologics for Biosimilar Market Entry.—

(A) In General.—Part E of title XI of the Social Security Act, as added by section 11001, is amended—

(i) in section 1192, by striking subsection (a), in the flush matter following paragraph (4), by inserting “and subsection (b)(3) after “the previous sentence”; and

(ii) in subsection (b)—

(I) by paragraph (1), by adding at the end the following new subparagraph:

“(O) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from that list before making the selections under subparagraph (B)”;

and

(ii) by adding at the end the following new paragraph:

“(O) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from that list before making the selections under subparagraph (B)”;

and

(2) by adding at the end the following new subparagraph:

“(O) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from that list before making the selections under subparagraph (B)”.

(C) by adding at the end the following new subparagraph:

“(O) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from that list before making the selections under subparagraph (B)”.

(3) Inclusion of Delayed Biological Products.—Pursuant to subparagraphs (B)(i)(1) and (C)(i) of subsection (f)(2), the Secretary shall select and include on the list published under subsection (a) the biological products described in such subparagraphs. Such biological products shall count towards the maximum number of biological products to be selected under subsection (a)(1);”.

and

(C) by adding at the end the following new subparagraph:

“(O) In the case of a biological product for which the inclusion of the biological product as a selected drug on a list published under subsection (a) has been delayed under subsection (f)(2), remove such biological product from that list before making the selections under subparagraph (B)”.

(4) Special Rule To Delay Selection and Negotiation of Biologics for Biosimilar Market Entry.—

(A) In General.—Subject to subparagraph (B), in the case of a biological product that would (but for this subsection) be an extended-monopoly drug (as defined in section 1194(c)(4)) included as a selected drug on the list published under subsection (a) with respect to an initial price applicability year, the rules described in paragraph (2) shall apply if the Secretary determines that there is a high likelihood (as described in paragraph (3)) that a biosimilar biological product (for which such biological product will be the reference product) will be licensed and marketed under section 351(k) of the Public Health Service Act before the date that is 2 years after the selected drug publication date with respect to such initial price applicability year.

(B) Request Required.—

(A) In General.—The Secretary shall not provide for a delay under—

(i) by paragraph (2)(A) unless a request is made for such a delay by a manufacturer of the biological product selected for such a delay prior to the selected drug publication date for the list published under subsection (a) with respect to such initial price applicability year.
to the initial price applicability year for which the biological product may have been included as a selected drug on such list but for subparagraph (2)(A); or

(II) if a request is made under clause (i) shall be submitted to the Secretary by such manufacturer at a time and in a form and manner specified by the Secretary, and only upon receipt of such request, the Secretary shall delay the inclusion of such biological product on the list published pursuant to subsection (a) if more than 1 year has elapsed since the date of such request.

(b) Disclosures in filings by the manufacturer of such biosimilar biological product with the Securities and Exchange Commission, the Federal Trade Commission, or the Assistant Attorney General pursuant to subsections (a) and (c) of section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(ii) the manufacturer of such biological product shall pay a rebate under paragraph (3) with respect to the year for which such biological product would have been included as a selected drug on such list but for subparagraph (A), and

(iii) if the Secretary determines that such biosimilar biological product has not been licensed and marketed under section 351(k) before the date that is 2 years after the date of the selected drug publication date for which such biological product would have been included as a selected drug on such list, the Secretary shall delay the inclusion of such biological product on the list published pursuant to subsection (a) if more than 1 year has elapsed since the date of such request.

(ii) the manufacturer of such biological product shall pay a rebate under paragraph (3) with respect to the years for which such biological product would have been included as a selected drug on such list but for subparagraph (A).

(ii) a request made under subparagraph (B)(iii). In no case shall the Secretary delay the inclusion of a biological product for which an application under subsection (a) has not been filed, or a request for a review of an order of the Commissioner, or a request made under subparagraph (B)(iii) in a case in which the biological product may have been included as a selected drug on such list but for subparagraph (2)(A).

(ii) a request made under subparagraph (B)(iii).

(ii) a request made under subparagraph (B)(iii) in a case in which the Secretary determines that such biosimilar biological product would have been included as a selected drug on such list but for subparagraph (A), and

(ii) a request made under subparagraph (B)(iii).

(ii) a request made under subparagraph (B)(iii).

(ii) a request made under subparagraph (B)(iii) in a case in which the Secretary determines that such biosimilar biological product would have been included as a selected drug on such list but for subparagraph (A).

(ii) a request made under subparagraph (B)(iii) in a case in which the Secretary determines that such biosimilar biological product would have been included as a selected drug on such list but for subparagraph (A).
(1)(B)(ii) submitted to the Secretary by the manufacturer requesting a delay under such paragraph provides clear and convincing evidence that such biosimilar biological product was not marketed in the time period described under paragraph (1)(A) or (2)(B)(i)(I), be marketed.

(4) REBATE.—
  (A) IN GENERAL.—For purposes of subparagraphs (B)(ii)(I) and (C)(ii) of paragraph (2), in the case of a biological product for which the inclusion on the list under subsection (a) was delayed in accordance with this subsection and for which the Secretary has negotiated and entered into an agreement under section 1193 with respect to such biological product, the manufacturer shall be required to pay a rebate to the Secretary at such time and in such manner as determined by the Secretary.

  (B) AMOUNT.—Subject to subparagraph (C), the amount of the rebate under subparagraph (A) with respect to a biological product shall be equal to the estimated amount—
  
  (i) in the case of a biological product that is a covered part D drug (as defined in section 1860D–2(e)), that is the sum of the products of—
    
    (I) 75 percent of the amount by which—
      
      (aa) the average manufacturer price, as reported by the manufacturer of such covered part D drug as of September 2021 (or, if not reported by such manufacturer under section 1227, as reported by such manufacturer to the Secretary pursuant to the agreement under section 1193(a) with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds
    
    (bb) in the initial price applicability period that would have applied but for a delay under—
      
      (AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or
      
      (BB) paragraph (2)(B)(ii), such maximum fair price, increased as described in section 1195(b)(1)(A); and
    
    (II) the number of units dispensed under part D of title XVIII for such covered part D drug during each such calendar quarter of such price applicability period; and
  
  (ii) in the case of a biological product for which payment may be made under part B of title XVIII, that is the sum of the products of—
    
    (I) 80 percent of the amount by which—
      
      (aa) the average manufacturer price, as reported by the manufacturer of such biological product under section 1847A(b), with respect to each of the calendar quarters of the price applicability period that would have applied but for this subsection; exceeds
    
    (bb) in the initial price applicability period that would have applied but for a delay under—
      
      (AA) paragraph (2)(A), the maximum fair price negotiated under section 1194 for such biological product under such agreement; or
      
      (BB) paragraph (2)(B)(ii), such maximum fair price, increased as described in section 1195(b)(1)(A); and
    
    (II) the number of units (excluding units that are packaged into the payment amount for an item or service and are not otherwise payable under such part B) of the billing and payment code of such biological product administered or furnished under such part B during each such calendar quarter of such price applicability period.

  (C) SPECIAL RULE FOR DELAYED BIOLOGICAL PRODUCTS THAT ARE LONG-MONOPLY DRUGS.—
    
    (i) In the case of a biological product with respect to which a rebate is required to be paid under this paragraph, if such biological product qualifies as a long-monopoly product as defined in section 1194(c)(5) at the time of its inclusion on the list published under subsection (a), in determining the amount of the rebate for such biological product under subparagraph (B), the amount described in clause (i) shall be substituted for the maximum fair price described in subparagraph (i) of such subparagraph (B), as applicable.

    (ii) AMOUNT DESCRIBED.—The amount described in this clause in an amount equal to 65 percent of the non-Federal average manufacturer price for the biological product for 2021 (or, in the case that there is not an average non-Federal manufacturer price for the biological product for 2021, for the first full year following the market entry for such biological product), increased by the percentage increase in the consumer price index for urban consumers (all items; United States city average) from September 2021 (or December of such first full year following the market entry, as applicable, to September of the year prior to the selected drug publication date with respect to the initial price applicability year that would have applied but for this subsection).

    (D) REBATE DEPOSITS.—Amounts paid as rebates under this paragraph shall be deposited into—
    
    (i) in the case in which payment is made for such biological product under part B of title XVIII, the Federal Supplementary Medical Insurance Trust Fund established under section 1841; and
    
    (ii) in the case such biological product is a covered part D drug (as defined in section 1860D–2(e)), the Medicare Prescription Drug Account under section 1860D–18 in such Trust Fund.

  (5) DEFINITIONS OF BIOSIMILAR BIOLOGICAL PRODUCT.—In this section, the term ‘‘biosimilar biological product’’ has the meaning specified in subsection (B)(ii) with respect to a biological product under section 1847A(c)(6);—
    
    (2) in section 1193(a)(4) (BB) in the matter preceding subparagraph (A), by inserting ‘‘, and section 1194(f)’’ after ‘‘section 1194(f)’’;
    
    (B) in subparagraph (A), by striking ‘‘and’’ at the end;
    
    (C) by adding at the end the following new subparagraph:
    
    (c) INFORMATION.—The Secretary shall provide such information to the Secretary of Health and Human Services as is necessary for the Secretary to perform the functions and duties of the Secretary with respect to the implementation, enforcement, and compliance with the requirements of this section, to the extent necessary to ensure that the Secretary, the Department of Health and Human Services, and other Federal agencies carry out their respective responsibilities under this section.

  (6) BIPARTISAN FUNDING.—In the case of a covered part D drug, the Federal Supplementary Medical Insurance Trust Fund established under section 1841 shall have available to it amounts equal to such part D drug’s share of the funding for fiscal year 2022 identified pursuant to section 1193(a), section 1196, section 1197, section 1198, and section 1199, less any amounts paid as rebates under paragraph (4) of such section.

  (7) COMPLIANCE PERIODS.—In the case of a designated drug, the term ‘‘compliance period’’ means the period described in paragraph (1) or (2) of such section.

  (8) TIME PERIODS.—In this section, the reference to ‘‘such period’’ means—
    
    (A) in the case of a designated drug, each calendar year; or
    
    (B) in the case of a non-designated drug, the period beginning on the March 1st of the calendar year following the January 1st of the calendar year that begins 2 years prior to the first compliance period described in paragraph (1) or (2) of such section; and ending on the December 31st of the calendar year that begins 4 years prior to the first compliance period described in paragraph (1) or (2) of such section.

  (9) COMPLIANCE PEIORDS.—In the case of a designated drug for which the maximum fair price for which the Secretary has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug has been increased pursuant to an agreement described in section 1193(a) of the Social Security Act and ending on the earlier of—
    
    (A) the first date on which the manufacturer of such designated drug has in place an agreement described in section 1193(a) of such Act with respect to such drug; or
    
    (B) the date that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

    (A) a determination described in section 1192(c)(1) of the Social Security Act that the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

    (B) the date on which such drug is in place and the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

    (C) the date on which such drug is in place and the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

    (D) the date on which such drug is in place and the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.

    (E) the date on which such drug is in place and the Secretary of Health and Human Services has made a determination described in section 1192(c)(1) of such Act with respect to such designated drug.
(1) IN GENERAL.—A day shall not be taken into account as a day during a period described in subsection (b) if such day is also a day during the period.

(A) IN GENERAL.—If the first day described on the first date on which—

(1) the notice of terminations of all applicable agreements of the manufacturer have been received by the Secretary of Health and Human Services,

(ii) none of the drugs of the manufacturer of the designated drug are covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act, and

(B) ending on the last day of February following the earlier of—

(i) the first day after the date described in subparagraph (A) on which the manufacturer enters into any subsequent applicable agreement, or

(ii) the first date any drug of the manufacturer of the designated drug is covered by an agreement under section 1860D-14A or 1860D-14C of the Social Security Act.

(2) APPLICABLE AGREEMENT.—For purposes of this subsection, the term ‘applicable agreement’ means the following:

(A) An agreement under—

(i) the Medicare coverage gap discount program under section 1860D-14A of the Social Security Act, or

(ii) the manufacturer discount program under section 1860D-14C of such Act.

(B) and paragraph described in section 1927(b) of such Act.

(d) APPLICABLE PERCENTAGE.—For purposes of this section, the term ‘applicable percentage’ means—

(1) in the case of sales of a designated drug during the first 90 days described in subsection (b) with respect to such drug, 65 percent,

(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

(3) in the case of sales of drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

(4) in the case of sales of such drug during any subsequent day, 95 percent.

(e) DEFINITIONS.—For purposes of this section—

(1) DESIGNATED DRUG.—The term ‘designated drug’ means any negotiation-eligible drug under section 1927(d) of the Social Security Act included on the list published under section 1927(a) of such Act which is manufactured or produced in the United States and entered into the United States for consumption, use, or warehousing.

(2) UNITED STATES.—The term ‘United States’ has the meaning given such term by section 1612(a)(4).

(3) OTHER TERMS.—The terms ‘initial price applicability year’, ‘price applicability period’, and ‘maximum fair price’ have the meaning given such terms in section 1911 of the Social Security Act.

(f) SPECIAL RULES.—

(1) IN GENERAL.—Rules similar to the rules of paragraphs (2) and (4) of section 413(c) shall apply for purposes of this section.

(2) ANTI-ABUSE RULE.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may refuse to take such a sale as occurring during a year described in subsection (b).

(g) EXPORTS.—Rules similar to the rules of section 4662(e) (other than section 4662(e)(2)(A)(ii)(III)) shall apply for purposes of this chapter.

(h) REGULATIONS.—The Secretary shall prescribe such regulations and other guidance as may be necessary to carry out this section."
“(D) PAYMENT AMOUNT BENCHMARK QUARTER.—The term ‘payment amount benchmark quarter’ means the calendar quarter beginning July 1, 2021.

“(E) FOLLOWING PERIOD CPI-U.—The term ‘benchmark period CPI-U’ means the consumer price index for all urban consumers (United States city average) for the calendar quarter that is two calendar quarters prior to such described calendar quarter.

“(G) REDUCTION OR WAIVER FOR SHORTAGES AND SUBSEQUENT DISPONCION.—The Secretary shall reduce or waive the amount under subparagraph (A) with respect to a part B rebatable drug and a calendar quarter—

“(i) in the case of a part B rebatable drug that is described as currently in shortage on the shortage list in effect under section 505E of the Food, Drug, and Cosmetic Act at any point during the calendar quarter; or

“(ii) in the case of a biosimilar biological product, when the Secretary determines there may be a shortage of such product in the chain of distribution beginning the calendar quarter, such as caused by a natural disaster or other unique or unexpected event.

“(H) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

“(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, clause (i) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI-U’ were defined under paragraph (3)(D) as the calendar quarter following the calendar quarter in which the drug was first marketed and clause (ii) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI-U’ were defined under paragraph (3)(E) as if the reference to ‘January 2021’ under such paragraph were a reference to ‘the first month of the first full calendar quarter after the day on which the drug was first marketed’.

“(B) TIMELINE FOR PROVISION OF RebATES FOR SELECTED DRUGS.—In the case of a part B rebatable drug first approved or licensed by the Food and Drug Administration after December 1, 2020, paragraph (1)(B) shall be applied as if the reference to ‘January 1, 2023’ under such paragraph were a reference to ‘the later of the 6th full calendar quarter after the day on which the drug was first marketed on or after April 1, 2023’.

“(C) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to a price applicability period (as defined in section 1191(b)(2)), in the case such drug is no longer considered to be a selected drug under section 1192(c), subparagraph (A) of paragraph (3)(C) was defined under subsection (g)(7) beginning after the price applicability period with respect to such drug, clause (i) of paragraph (3)(C) shall be applied as if the term ‘payment amount benchmark quarter’ were defined under paragraph (3)(D) as the calendar quarter beginning January 1 of the last year during such price applicability period with respect to such selected drug and clause (ii) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI-U’ were defined under such section and paragraph (3)(A)(ii)(I) were defined under paragraph (3)(A)(ii)(I) of section 1847A(i), furnished on or after April 1, 2023, for which the payment amount for a calendar quarter under paragraph (3)(A)(ii)(I) of such section (or, in the case of a part B rebatable drug that is a selected drug (as defined in section 1192(c)) for which, the payment amount described in such paragraph for such calendar quarter exceeds the inflation-adjusted payment under paragraph (3)(A)(ii)(I) of such section for such quarter, the amounts paid under paragraph (3)(A)(ii)(I) of such section shall be reduced by the amount under paragraph (3)(A)(ii)(I) of such section or section 1947A(b)(1)(B), as applicable, that equals the difference between (i) 100 percent, and (ii) the percent applied under section 1947A(i)(5)(B)”;

“(F) PART B REBATES.—In the case of a part B drug that is a selected drug (as defined in section 1847A(i)) for which payment under this section is not packaged into a payment for a covered part B OPD service furnished on or after April 1, 2023, under the revised payment system under this subsection, in lieu of calculation of coinsurance and the amount of payment otherwise applicable under this subsection, the provisions of section 1947A(i)(5) and paragraph (1)(EE) of subsection (a), shall, as determined appropriate by the Secretary, apply under this subsection with such provisions of section 1947A(i)(5) and subsection (a) apply under such section and subsection.”;

“(B) AMOUNTS PAYABLE; COST-SHARING.—

Section 1333 of the Social Security Act (42 U.S.C. 1395l) is amended—

“(1) in subsection (a)(1)—

“(A) in subparagraph (G), by inserting ‘subsection (i) or’ before ‘section 1927’;

“(2) in subsection (b)(1), by striking ‘and’ before ‘section 1927’;

“(3) in subsection (t)(8), by adding at the end the following new paragraph:

“(F) PART B REBATES.—In the case of a part B rebatable drug (as defined in section 1847A(i)) for which such drug is described as currently in shortage on the shortage list in effect under section 505E or the Food, Drug, and Cosmetic Act at any point during the calendar quarter; or

“(i) in the case of a biosimilar biological product, when the Secretary determines there may be a shortage of such product in the chain of distribution beginning the calendar quarter, such as caused by a natural disaster or other unique or unexpected event.

“(A) the determination of whether a drug is a part B rebatable drug under this subsection.

“(B) The determination of a calendar quarter applicable under this subsection.

“(C) The calculation of the rebate amount under this subsection.

“(D) the computation of coinsurance under paragraph (5) of this subsection.

“(E) The computation of amounts paid under section 1847A(i)(5)(B); and

“(F) LIMITATION OF ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

“(A) The determination of units under this subsection.

“(B) The determination of whether a drug is a part B rebatable drug under this subsection.

“(C) The calculation of the rebate amount under this subsection.

“(D) The computation of coinsurance under paragraph (5) of this subsection.

“(E) The computation of amounts paid under section 1847A(i)(5)(B).

“(F) LIMITATION OF ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

“(A) The determination of units under this subsection.

“(B) The determination of whether a drug is a part B rebatable drug under this subsection.

“(C) The calculation of the rebate amount under this subsection.

“(D) The computation of coinsurance under paragraph (5) of this subsection.

“(E) The computation of amounts paid under section 1847A(i)(5)(B).

“(F) LIMITATION OF ADMINISTRATIVE OR JUDICIAL REVIEW.—There shall be no administrative or judicial review of any of the following:

“(A) The determination of units under this subsection.

“(B) The determination of whether a drug is a part B rebatable drug under this subsection.

“(C) The calculation of the rebate amount under this subsection.

“(D) The computation of coinsurance under paragraph (5) of this subsection.

“(E) The computation of amounts paid under section 1847A(i)(5)(B).
$7,500,000 to carry out the provisions of, including the amendments made by, this section, in each of fiscal years 2023 through 2031, to remain available until expended.

SEC. 11102. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRIOR AUTHORIZATION REQUIREMENTS.

(a) In General.—Part D of title XVIII of the Social Security Act is amended by adding after section 1860D–14A (42 U.S.C. 1395w–14n) the following new section:

``SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRIOR AUTHORIZATION REQUIREMENTS.

(a) In General.—(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each applicable period (as defined in subsection (g) of paragraph (4)(B)), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug the following for such period:

(A) The amount (if any) of the excess annual manufacturer price increase described in subsection (b)(1)(A)(ii) for each dosage form and strength with respect to such drug and period.

(B) The rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and period.

(2) MANUFACTURER REQUIREMENTS.—For each applicable period, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt of the information and rebate amount described in paragraph (1) for such period, shall provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such dosage form and strength with respect to each such period.

(3) TRANSITION RULE FOR REPORTING.—The Secretary may, for each rebatable covered part D drug, delay the timeframe for reporting the information and rebate amount described in subparagraph (A) and (B) of such paragraph for the applicable periods beginning October 1, 2022, and October 1, 2023, until not later than December 31, 2023.

(b) Rebate Amount.—

(1) IN GENERAL.—(A) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable period is the sum of the products of—

(i) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to each such calendar quarter of such period; and

(ii) the inflation-adjusted payment amount determined under paragraph (4) for such dosage form and strength with respect to such part D rebatable drug and applicable period, subject to paragraph (5), if—

(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength is equal to such price as reported under such subsection for such dosage form and strength as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

(B) the ratio of—

(i) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to each such calendar quarter of such period; to

(ii) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to such drug for such period.

(B) REDUCTION OR WAIVER FOR SHORTAGES AND SEVERE SUPPLY CHAIN DISRUPTIONS.—The Secretary shall reduce or waive the amount determined under subparagraph (A) with respect to a part D rebatable drug and an applicable period—

(i) in the case of a part D rebatable drug that is dosed currently in shortage on the shortage list in effect under section 506E of the Federal Food, Drug, and Cosmetic Act at any point during the applicable period; and

(ii) in the case of a part D rebatable drug (described in subsection (g)(1)(C)(ii)) or a biosimilar (defined as a biological product licensed under subsection 351(k)(2) of the Federal Food, Drug, and Cosmetic Act), when the Secretary determines there is a severe supply chain disruption during the applicable period, such as that caused by a natural disaster or other unique or unexpected event; and

(iii) in the case of a generic Part D rebatable drug for which the Secretary determines that without such reduction or waiver, the drug is likely to be described as in shortage on such shortage list during a subsequent applicable period.

(2) DETERMINATION OF ANNUAL MANUFACTURER PRICE.—The annual manufacturer price determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug and applicable period is the sum of the products of—

(A) the average manufacturer price (as defined in subsection (g)(6)) for such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

(B) the ratio of—

(i) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to each such calendar quarter of such period; to

(ii) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to such drug for such period.

(3) DETERMINATION OF INFLATION-ADJUSTED PAYMENT AMOUNT.—The inflation-adjusted payment amount determined under this paragraph for a dosage form and strength with respect to a part D rebatable drug and applicable period, subject to paragraph (5), if—

(A) the benchmark period manufacturer price determined under paragraph (4) for such dosage form and strength with respect to such drug for such period is determined by the Secretary, with respect to each part D rebatable drug and applicable period, is the sum of—

(i) the inflation-adjusted payment amount determined under this paragraph for such dosage form and strength with respect to such drug for such period, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

(ii) the benchmark CPI-U (as defined in subsection (g)(6)) for such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period; and

(B) the ratio of—

(i) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to each such calendar quarter of such period; to

(ii) the total number of units of such dosage form and strength reported under section 1860D–14A with respect to such drug for such period.

(4) DETERMINATION OF BENCHMARK PERIOD MANUFACTURER PRICE.—The benchmark period manufacturer price determined under this paragraph for a dosage form and strength, with respect to a part D rebatable drug and an applicable period, is the sum of the products of—

(A) the average manufacturer price (as defined in subsection (g)(6)) of such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period.

(B) the percentage by which the applicable CPI-U (as defined in subsection (g)(6)) for such dosage form and strength, as calculated for a unit of such drug, with respect to each of the calendar quarters of such period.

(C) the number of units of such dosage form and strength reported under section 1860D–14A with respect to each such calendar quarter of such period.

(D) the number of units of such dosage form and strength reported under section 1860D–14A with respect to such drug for such period.

(5) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

(A) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part D rebatable drug that is an extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation-adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable period, consistent with the formula applied under subsection (c)(2)(C) of section 1927 for determining a rebate obligation for a rebate period under such section.

(B) TREATMENT OF NEW FORMULATIONS.—(I) IN GENERAL.—In the case of a part D rebatable drug that is a line extension of a part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (1) and the inflation-adjusted payment amount under paragraph (3) with respect to such part D rebatable drug and an applicable period.

(II) THE LINE EXTENSION.—In this subparagraph, the term ‘line extension’ means, with respect to a part D rebatable drug, a new formulation of the drug, such as an extended release form or other unique or unexpected event; and

(III) THE SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to its applicable period (as defined in section 1192(c)), the Secretary shall apply as if the term ‘payment amount benchmark period’ beginning after the price applicability period with respect to such drug, subparagraphs (A) and (B) of paragraph (4) shall be applied as if the term ‘payment amount benchmark period’ were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such drug.

(C) SELECTED DRUGS.—In the case of a part D rebatable drug that is a selected drug (as defined in section 1192(c)) with respect to its applicable period (as defined in section 1192(c)), the Secretary shall apply as if the term ‘payment amount benchmark period’ were defined under subsection (g)(3) as the last year beginning during such price applicability period with respect to such drug.

(6) RECONCILIATION IN CASE OF REVISED INFORMATION.—The Secretary shall provide for a method and process under which, in the case where a PDP sponsor of a prescription drug plan or an MA organization offering an MA-PD plan submits revisions to the numerator of units of a rebatable covered part D drug dispensed under such plan for the prior year, or when the Secretary makes, pursuant to such revisions, adjustments, if any, to the calculation of the amount specified in this subsection for a dosage form and strength with respect to such part D rebatable drug and an applicable period and reconciles any overpayments or underpayments in amounts paid as rebates under this subsection, any correction or adjustment shall be rectified by the manufacturer not later than 30 days after the date of receipt from the Secretary of information on such underpayment.

(D) REBATE DEPOSITS.—Amounts paid as rebates under subsection (b) shall be deposited into the Medicare Prescription Drug Account (as defined in section 1841 of the Federal Supplementary Medical Insurance Trust Fund established under section 1841).

(E) INFORMATION.—For purposes of carrying out this section, the Secretary shall use information submitted by—
Any dollar amount specified under this clause for the previous applicable period, in- shall be the dollar amount specified in this price index for all urban consumers (United October 1, 2023, shall be the dollar amount spec-

''(iii) the manufacturer is not a ‘first ap-plicant’ during the ‘180-day exclusivity pe-
riod’, as those terms are defined in section 505(j)(5)(B)(iv) of the Federal Food, Drug, and Cosmetic Act; and

''(IV) the manufacturer is not a ‘first ap-
plicant’ for a competitive generic ther-

any applicable period, the manufacturer shall be subject to a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such period. The provisions of section 1128A (other than subsections (a) (with respect to amounts equal to 125 percent of the amounts specified in this subsection) (a)(2) with respect to such drug for an applicable period, the manufacturer shall be subject to a civil money penalty in an amount equal to 125 percent of the amount specified in subsection (b) for such drug for such period.

''(II) in the matter preceding sub-

''(4) BENCHMARK PERIOD CPI–U.—The term ‘benchmark period CPI–U’ means, with re-

''(B) in subparagraph (C)—

''(i) in clause (I), in the matter preceding sub-(III) by striking the period at the end of

''(g) FUNDING.—In addition to amounts oth-

''(2) PAYMENT AMOUNT BENCHMARK PE-

''(1) T O PART B ASP CALCULATION.—Section

''(1) the reference listed drug approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act, (including an authorized generic drug) (as that term is def-

''(ii) in clause (I), by striking ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(A) in subsection (b)(1)(A), by striking ‘‘for a sub-

''(ii) in subparagraph (C)—

''(i) in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2025,’’ after ‘‘paragraph (4),’’; and

''(I) in clause (I), by striking ‘‘for year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(I) in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2025,’’ after ‘‘paragraph (4),’’; and

''(ii) in clause (i), in the matter preceding sub-

''(I) in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(II) in subsection (i)(bb), by striking ‘‘a year after 2018’’ and inserting ‘‘each of years 2019 through 2024’’; and

''(II) by striking the period at the end of

''(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and mov-

''(III) by striking ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(A) by striking ‘‘and’’ after ‘‘paragraph 2018’’ and inserting ‘‘each of years 2019 through 2024’’; and

''(C) by inserting ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(B) by inserting ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(I) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and mov-

''(II) by inserting ‘‘(III) and ‘(IV),’’ meaning ‘‘(III) and ‘(IV),’’ after ‘‘and (II),’’; and

''(II) by inserting ‘‘(III) and ‘(IV),’’ meaning ‘‘(III) and ‘(IV),’’ after ‘‘and (II),’’; and

''(I) in clause (I)—

''(2) IMPLEMENTATION FOR 2022, 2023, AND 2024.—Subsection (b) shall apply to this section for 2022, 2023, and 2024 by program in-

''(I) in clause (i), by inserting ‘‘for a year preceding 2025’’ after ‘‘paragraph (4),’’; and

''(II) by inserting ‘‘(III) and ‘(IV),’’ meaning ‘‘(III) and ‘(IV),’’ after ‘‘and (II),’’; and

''(B) in subparagraph (A)—

''(B) in subparagraph (C)—

''(I) the reference listed drug approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, (including an authorized generic drug); and

''(II) a drug approved under an abbreviated new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act;
(IV) by adding at the end the following:

"(II) for 2024 and each succeeding year, $0."

(II) in clause (iii)—

(I) by striking "clause (I)(f)

(II) by adding at the end the following new sentence: "The Secretary shall continue to calculate the amount of such inclusion costs attributable to that portion of gross covered prescription drug costs as specified in paragraph (3) incurred in the coverage year after such individual has incurred costs that exceed the annual out-of-pocket threshold specified in section 1860D-2(b)(4)(B); and"

(IV) by adding at the end the following new subclause:

'(b) In subparagraph (B)—

(1) in clause (i)—

(II) by adding at the end and inserting a semicolon; and

(III) by adding at the end the following new subclauses:

'(VII) for 2025, is equal to $2,000; or

(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the preceding year increased by the annual percentage increase described in paragraph (6) for the year involved;"; and

(II) in clause (ii), by striking "clause (I)(f)" and inserting "clause (I)(f)(A)"; and

(C) in subparagraph (C)—

(I) in clause (i), by striking "for amounts" and inserting "and, for a year preceding 2025, for amounts": and

(ii) 2026 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to the purchase or provision of prescription drugs for a year or subsequent years, the Secretary shall enter into agreements described in subparagraph (B) with manufacturers and provide for the performance of the duties described in subsection (c).

(b) TERMS OF AGREEMENT.—

'(1) DUTIES DESCRIBED.—The duties described in this subsection are the following:

'(i) IN GENERAL.—

'(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide, in the section, discounted prices for applicable drugs of the manufacturer that are dispensed to applicable beneficiaries on or after January 1, 2025.

(B) CLARIFICATION.—Nothing in this section shall be construed as affecting—

'(i) the application of a coinsurance of 25 percent of the negotiated price, as applied under section 1860D–14C(g)(2) for costs described in such paragraph; or

'(ii) the application of the copayment amount described in paragraph (4)(A) of such section, with respect to costs described in such paragraph.

'(C) TIMING OF AGREEMENT.—

'(i) SPECIAL RULE FOR 2025.—In order for an agreement to induce an individual to enter into such agreement not later than March 1, 2024.

'(ii) 2026 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on January 1, 2025, and ending on December 31, 2025, the manufacturer shall enter into such agreement not later than March 1, 2024.

'(D) PROVIDE PROPER NOTICE.—

'(i) the negotiated price of the applicable drug; and

'(ii) the discounted price of the applicable drug.
(b) shall apply to a civil money penalty to be used to pay the discounts which the manufacturer agrees in effect under this section covered part D drugs in the year that exceed accordance with section 1860D–2(b)(4)(C), for any one of the specified small manufacturer drugs of the manufacturer that are covered by such agreement or agreements for such year and covered under this part during such year represented less than 1.0 percent of the total expenditures for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year.

(ii) who has incurred such costs, as determined, in the year that are equal to or exceed such threshold for the year, 90 percent of the negotiated price of such drug.

(iii) who has not incurred costs, as determined, in the year that are equal to or exceed such threshold for the year, 80 percent of the negotiated price of such drug.

(2) APPLICATION. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

(c) DEFINITIONS. In this section:

(1) APPLICABLE BENEFICIARY. The term ‘applicable beneficiary’ means an individual such as specified by the Secretary as necessary.

(2) FORMULATION REQUIRING AVAILABILITY OF OTHER COVERED PART D DRUGS. Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in.

(3) A PPLICABLE NUMBER OF CALENDAR DAYS. The term ‘applicable number of calendar days’ means:

(A) with respect to claims for reimbursement for a covered part D drug that is produced, prepared, compounded, or processed by the manufacturer.

(B) with respect to claims for reimbursement for a covered part D drug that is produced, prepared, compounded, or processed by the manufacturer as defined in subsection 1860D–14A(1)(a)(3)), the term ‘discounted price’ means the specified LIS percent of the negotiated price of the applicable drug of the manufacturer.

(3) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

(I) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary who is on the formulary of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for covered part D drugs or biological products for which payment may be made under part B during such year.

(CC) the total expenditures for all of the specified drugs of the manufacturer that are single-drug products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for covered part D drugs or biological products for which payment may be made under part B during such year.

(II) SPECIFIED MANUFACTURER.—

(aa) the manufacturer is a specified manufacturer (as defined in clause (b)) and for any one of the specified small manufacturer drugs of the manufacturer for which benefits are available under the MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in.

(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are single-drug products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for covered part D drugs or biological products for which payment may be made under part B during such year.

(cc) the total expenditures for all of the specified drugs of the manufacturer that are single-drug products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for covered part D drugs or biological products for which payment may be made under part B during such year.

(III) LIMITATION.—The term ‘specified manufacturer’ shall not include a manufacturer described in clause (I) if such manufacturer dispenses to an applicable beneficiary that is not a specified manufacturer, effective at the beginning of the plan year immediately following such acquisition or, in the case of an acquisition before 2025, effective January 1, 2025.

(bb) for 2026, 98 percent; and

(cc) for 2027, 95 percent; and

(dd) for 2028, 92 percent; and

(ee) for 2029, 90 percent; and

(ff) for 2030, 86 percent; and

(gg) for 2031 and each subsequent year, 80 percent.

(C) PHASE-IN FOR SPECIFIED SMALL MANUFACTURERS.—

(1) IN GENERAL.—In the case of an applicable drug of a specified small manufacturer (as defined in clause (ii)) that is marketed as of the date of enactment of this subparagraph and dispensed for an applicable beneficiary, the term ‘discounted price’ means the specified small manufacturer percent (as defined in clause (ii)) of the negotiated price of the applicable drug of the manufacturer.

(II) SPECIFIED SMALL MANUFACTURER.—

(aa) the manufacturer is a specified small manufacturer (as defined in subparagraph (b)); and

(bb) the total expenditures under part D for any one of the specified small manufacturer drugs of the manufacturer that are single-drug products for which payment may be made under part B during such year represented less than 1.0 percent of the total expenditures under part B for covered part D drugs or biological products for which payment may be made under part B during such year.

(bb) for 2026, 98 percent; and

(cc) for 2027, 95 percent; and

(dd) for 2028, 92 percent; and

(ee) for 2029, 90 percent; and

(ff) for 2030, 86 percent; and

(gg) for 2031 and each subsequent year, 80 percent.

(bb) Aggregation Rule.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1866 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.

(bb) Aggregation Rule.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1866 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall require that a manufacturer provide and attest to such information as specified by the Secretary as necessary.
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PACKAGED INTO THE PAYMENT FOR ANOTHER SERVICE—The term 'total expenditures' excludes, in the case of expenditures for another service, the portion of such price of such drug that falls above such annual deductible.

Section 1860D-14A—SELECTED DRUG SUBSIDY PROGRAM—With respect to covered part D drugs that would be applicable drugs (as defined in section 1860D-14C(g)(2)) but for the application of subparagraph (B) of such section, the Secretary shall provide a process whereby, in the case of an applicable beneficiary (as defined in section 1860D-14C(g)(1)) who, with respect to a year, is enrolled in a prescription drug plan or is enrolled in a MA–PD plan, has not incurred costs that are equal to or exceed the annual out–of–pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year—

(aa) for 2025, 99 percent; and

(bb) for 2026, 98 percent; and

(cc) for 2027, 95 percent; and

(dd) for 2028, 92 percent; and

(ee) for 2029, 90 percent; and

(ff) for 2030, 85 percent; and

(gg) for 2031 and each subsequent year, 80 percent.

(II) for an applicable drug that would be applicable drugs (as defined in section 1860D–14C(g)(2)) but for the application of subparagraph (B) of such section, the term 'total expenditures' excludes, in the case of expenditures with respect to part B, the total gross covered prescription drug costs as defined in section 1860D–15(b)(3). The term 'total expenditures' includes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

(E) SPECIAL CASE FOR CERTAIN CLAIMS—(i) CLAIMS SPANNING DEDUCTIBLE—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out–of–pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price under subparagraph (A), and only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

(ii) CLAIMS SPANNING OUT–OF–POCKET THRESHOLD—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall entirely below or entirely above the annual out–of–pocket threshold specified in section 1860D–2(b)(4)(B)(i) for the year, the manufacturer of the applicable drug shall provide the discounted price under subparagraph (A), and only the portion of the negotiated price of the applicable drug that falls above such annual deductible.

(II) in accordance with subparagraph (A)(i) on the portion of the negotiated price of the applicable drug that falls below such threshold; and

(II) in accordance with subparagraph (A)(ii) on the portion of such price of such drug that falls at or above such threshold.

(A) PREMIUM STABILIZATION—(A) IN GENERAL.—The base beneficiary premium under this paragraph for a prescription drug plan for a month in 2024 through 2029 shall be computed as follows:

(1) 2024.—The base beneficiary premium for a month in 2024 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (i) for a month in 2024 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2024 that would have applied if this paragraph had not been enacted.

(3) SELECTED DRUG SUBSIDY PAYMENTS FROM MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D-16(b)(1) of the Social Security Act (42 U.S.C. 1395w–114a) is amended—

(A) in subsection (a), in the first sentence, by striking "The Secretary" and inserting "Subject to subsection (b), the Secretary"; and

(B) by adding at the end the following new subsection:

(1) IN GENERAL.—The program shall not apply with respect to applicable drugs dispensed on or after January 1, 2023, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

(2) CONTINUOUS APPLICATION FOR APPLICABLE DRUGS DISPENSED PRIOR TO SUNSET.—The provisions of this section (including all related rules and regulations) shall apply on and after January 1, 2025, with respect to applicable drugs dispensed prior to such date.

(5) ADJUSTMENT TO BENEFICIARY PREMIUM FOR A MONTH IN 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (i) for a month in 2029 increased by 6 percent; or

(II) the base beneficiary premium computed under clause (ii) for a month in 2028 increased by 6 percent.

(VI) 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (i) for a month in 2029 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2029 that would have applied if this paragraph had not been enacted.

(VII) 2030.—The base beneficiary premium for a month in 2030 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (i) for a month in 2030 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2030 that would have applied if this paragraph had not been enacted.

(V) 2028.—The base beneficiary premium for a month in 2028 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (iv) for a month in 2028 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2028 that would have applied if this paragraph had not been enacted.

(VI) 2029.—The base beneficiary premium for a month in 2029 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (v) for a month in 2029 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2029 that would have applied if this paragraph had not been enacted.

(VII) 2030.—The base beneficiary premium for a month in 2030 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (vi) for a month in 2030 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2030 that would have applied if this paragraph had not been enacted.

(VIII) 2031.—The base beneficiary premium for a month in 2031 shall be equal to the lesser of:

(I) the base beneficiary premium computed under clause (vii) for a month in 2031 increased by 6 percent; or

(II) the base beneficiary premium computed under paragraph (2) for a month in 2031 that would have applied if this paragraph had not been enacted.
(9) PERCENT SPECIFIED.—
(A) IN GENERAL.—Subject to subparagraph (B), for purposes of paragraph (3)(A), the percent specified under this paragraph for 2020 and each subsequent year is the percent that the Secretary determines is necessary to ensure that the base beneficiary premium computed under paragraph (2) for a month in 2020 would have applied if this paragraph had not been enacted.

(B) PERCENT SPECIFIED UNDER SUBPARAGRAPH (A) MAY NOT BE LESS THAN 20 PERCENT.

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of paragraph (3)(A), the percent specified under this paragraph for 2020 and each subsequent year is the percent that the Secretary determines is necessary to ensure that the base beneficiary premium computed under paragraph (2) for a month in 2020 would have applied if this paragraph had not been enacted.

(B) PERCENT SPECIFIED UNDER SUBPARAGRAPH (A) MAY NOT BE LESS THAN 20 PERCENT.”.

(4) CONFORMING AMENDMENTS.—
(A) Section 1860D–13(a)(2) of the Social Security Act (42 U.S.C. 1395w–24(b)(3)) is amended by striking “section 1860D–13(a)” and inserting “section 1860D–13(a)(9)”.

(B) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(i) in the matter preceding paragraph (1), by striking “or, for 2020 and each subsequent year, the percent specified under section 1860D–13(a)(9)” after “25.5 percent.”;

(ii) in subparagraph (D)(iii), by adding at the end the following new subparagraph:

“(C) in subsection (d)(1)(A), by striking “or, for each of 2024 through 2029, the percent specified under paragraph (9))” after “25.5 percent.”; and

(C) Section 1860D–13(a)(7)(B)(i) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(i) in subclause (I), by inserting “for a year before 2025” before “and inserting “(9)” and inserting the following:

“(i) for 2025 and each subsequent year, any discount provided pursuant to section 1860D–14C.”.


(A) by striking “the value of any discount” and inserting the following: “the value of—

(1) for any discount”; and

(B) in clause (l), by striking “or” and inserting “and”.


(A) by striking “or, for each of 2024 through 2029, the percent specified under section 1860D–13(a)(9)” after “25.5 percent.”; and

(B) by inserting “or” for such year before 2025” and after “1860D–2(b)(3)”.

(7) Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–153) is amended—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

“(1) participate in—

(A) for 2011 through 2024, the Medicare coverage gap discount program under section 1860D–14C; and

(B) for 2025 and each subsequent year, the manufacturer discount program under section 1860D–14C.”;

(ii) by striking paragraph (2) and inserting the following:

“(2) have entered into and have in effect—

(A) for 2011 through 2024, an agreement described in subsection (b) of section 1860D–14A with the Secretary; and

(B) for 2025 and each subsequent year, an agreement described in subsection (b) of section 1860D–14C with the Secretary; and

(C) by striking subparagraph:

“(B) EFFECTIVE DATE.—Paragraphs (1)(A), (1)(B), (2), (3), and (4) of this section, for 2024, 2025, and 2026 by providing that any enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

(III) DETERMINATION OF MAXIMUM MONTHLY CAP.—For each month in the plan year for which an enrollee in a prescription drug plan or an MA–PD plan has made an election pursuant to clause (i), the PDP sponsor or MA organization shall determine a maximum monthly cap (as defined in clause (iv)) for such enrollee.

(IV) BENEFICIARY MONTHLY PAYMENTS.—With respect to an enrollee who has made an election pursuant to clause (i), the PDP sponsor or MA organization shall bill such enrollee an amount (not to exceed the maximum monthly cap) for the out-of-pocket costs of such enrollee in such month.

(V) MAXIMUM MONTHLY CAP DEFINED.—In this subparagraph, the term ‘maximum monthly cap’ means, with respect to an enrollee—

(I) for the first month for which the enrollee has made an election pursuant to clause (i), an amount determined by calculating—

the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C); divided by

the number of months remaining in the plan year; and

(II) for a subsequent month, an amount determined by calculating—

the sum of the remaining out-of-pocket costs owed by the enrollee from the previous month that have not yet been billed to the enrollee and any additional out-of-pocket costs incurred by the enrollee as described in paragraph (4)(B) minus the

the number of months remaining in the plan year.

(VI) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

(I) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide notice to enrollee of the option to make such election through educational materials, including through the notices provided under section 1804(a).

(II) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such election—

(I) prior to the beginning of the plan year; or

(II) in any month during the plan year.
‘(iii) PDP sponsor and MA organization responsibilities.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

‘(aa) the option for an enrollee to make such an election to certain covered part D drugs;

‘(bb) shall, prior to the plan year, notify prospects of the option to make such an election in promotional materials;

‘(cc) shall include information on such option in enrollee educational materials;

‘(dd) place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

‘(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

‘(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

‘(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs dispensed in any month.

‘(IV) Failure to pay amount billed.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph:

‘(aa) the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost-sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (2); and

‘(bb) the PDP sponsor or MA organization may preclude the enrollee from making an election pursuant to clause (i) in a subsequent plan year.

‘(V) Clarification regarding past due amounts.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

‘(VI) Treatment of unsettled balances.—Any unsettled balances with respect to an enrollee shall not be liable for any such balances assumed as losses estimated in plan bids.”;

(2) in paragraph (4)—

‘(A) in subparagraph (C), by striking “subject to paragraphs (4) and (8)”;

‘(B) in subparagraph (D), by inserting “Subject to paragraph (6) of the section and such adjustment”;

‘(C) by adding at the end the following new subparagraph:

‘(D) the deductible under section 1860D–2(b)(1) shall not apply; and

‘(B) there shall be no cost-sharing under this section with respect to such vaccine.”;

‘(c) Temporary retrospective subsidy.—

‘(1) in general.—Section 1860D–15 of the Social Security Act (42 U.S.C. 1395w–102(c)) is amended by adding at the end the following new subsection:

‘(b) Temporary retrospective subsidy for reduction in cost-sharing and deductibles on adult vaccines recommended by the advisory committee on immunization practices during 2023.—

‘(1) in general.—In addition to amounts otherwise payable under this section to a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan, for plan year 2023, the Secretary shall provide the PDP sponsor or MA organization offering the plan subsidies in an amount equal to the aggregate reduction in cost-sharing and deductible on a prescription drug plan or for use by individuals under the plan during the year.

‘(2) timing.—The Secretary shall provide such subsidies under paragraph (1), as applicable, not later than 18 months following the end of the applicable plan year.”;


‘(A) in item (cc), by striking “or” at the end; and

‘(B) by adding at the end the following new item:

‘(dd) under section 1860D–15(b); or

‘(d) Rule of construction.—Nothing in this section shall be construed as limiting
coverage under part D of title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(3) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.

(S) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.

(T) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.

(U) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.

(V) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.

(W) INCREASED FMAP FOR ADULT VACCINES AND THEIR ADMINISTRATION.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new clause:

“(J) vaccines described in section 1905(a)(13)(B) and the administration of such vaccines;”.
paragraph (3) or the out-of-pocket threshold reached the initial coverage limit under regardless of whether an individual has benefits for any covered insulin product, re-

quent plan year, the lesser of—

$35; and

drug plan or an MA–PD plan dispensed—

ment amount’ means, with respect to a cov-

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and adjustments to supplier payment under Medicare part B for drugs furnished through durable medical equipment.

Waiver of deductible.—The first sentence of section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395f(a)(1)) is amended by—

paragraph (3) (A), in the matter pre-

(C) in paragraph (3)(A), in the matter pre-

D in paragraph (4)(A)(i), by striking “paragraph (8)” and inserting “paragraphs (8) and (9)”; and

(E) by adding at the end the following new paragraph:

(9) TREATMENT OF COST-SHARING FOR COV-

ered insulin products.—In this 

paragraph (8) and (9) of section 1860D–2(b)(9)(C) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is enrolled.”; and

(B) in subparagraph (E), by inserting the following before the period at the end: “or under section 1860D–2(b)(9) in the case of a covered insulin product (as defined in subparagraph (C) of such section)”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “section

1860D–2(b)(8)” and inserting “paragraphs (8) and (9) of section 1860D–2(b)”; and

(B) in subparagraph (E), by adding at the end the following new sentence: “For plan year 2023 and subsequent plan years, the copayment amount applicable under the pre-

ceding sentence to a month’s supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is en-

rolled.”;

and

(C) in subparagraph (C), by adding at the end the following new sentence: “For plan year 2024, the amount of the coinsurance applicable under the preceding sentence to a month’s supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dis-

densed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is en-

rolled.”;

and

(D) APPLICABLE COPAYMENT AMOUNT.—In this paragraph, the term ‘applicable copayment amount’ means, with respect to a covered insulin product under a prescription drug plan or MA–PD plan that is ap-

proved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Biologics Price Competition and Innovation Act pursuant to such approval or licensure, including any covered insulin product that has been deemed to be licensed under section 351 of the Public Health Serv-

ice Act pursuant to section 702(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and marketed pursuant to such section.

(2) in paragraph (2)—

(A) in subparagraph (D), by striking “paragraphs (8) and (9) of section 1860D–2(b)”; and

(B) in subparagraph (E), by adding at the end the following new sentence: “For plan year 2023 and subsequent plan years, the copayment amount applicable under the pre-

ceding sentence to a month’s supply of a covered insulin product (as defined in section 1860D–2(b)(9)(C)) dispensed to the individual may not exceed the applicable copayment amount for the product under the prescription drug plan or MA–PD plan in which the individual is en-

rolled.”;

and

(2) by inserting in (ii) except as provided in clause (i),” after “(S)”; and

(B) by inserting after “or 1847b,” the fol-

lowing: “and (ii) with respect to insulin fur-
nished after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), the amounts paid shall be, subject to the fourth sentence of this sub-

section, 80 percent of the payment amount established under section 1847a (or section 1847b, if applicable) for such insulin.”

ADJUSTMENT TO 2023 SUPPLIERS’ PAYMENTS: LIMITATION ON MONTHLY COINSURANCE.—Sec-

tion 1833(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended, in the flush matter 

ater at the end, by adding at the end the fol-

owing new sentence: “The Secretary shall make such adjustments as may be necessary to the amounts paid as specified under para-

graph (1)(S)(ii) for insulin furnished after July 1, 2023, through an item of durable medical equipment covered under section 1861(n), such that the amount of coinsurance applicable under an individual enrolled under this part for a month’s supply of such insulin does not exceed $35.”.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services shall implement this section for 2023 by program instruction or other forms of provider payment.

SEC. 11408. SAFE HARBOR FOR ABSENCE OF DEDUC-

TIBLE FOR INSULIN.

(a) In general.—Section 11408 of the Social Security Act (42 U.S.C. 1395w–11(j)) is amended by adding at the end of such section the following new paragraph:

“(1) In general.—A plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for selected insulin products.

(2) SELECTED INSULIN PRODUCTS.—For pur-

poses of this paragraph—

“(A) ‘selected insulin products’ means any dosage form (such as vial, pump, or inhaler dosage forms) of any different type (such as rapid-acting, short-acting, intermediate and long-acting, or premixed) of insulin.

“(B) ‘insulin.—The term ‘insulin’ means insulin that is licensed under subsection (a) or (c) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351 of such Act pursuant to section 702(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–145) and continues to be marketed pursuant to such licensure.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 2022.
SEC. 13101. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) In General.—The following provisions of section 45(f)(5) of the Internal Revenue Code of 1986 are amended—

(1) by striking “in 2021 or 2022” and inserting “after December 31, 2022, and before January 1, 2026”, and

(2) by striking “2021 and 2022” in the heading and inserting “2021 through 2022”.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

Subtitle E—Energy Security

SEC. 13001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—CLEAN ELECTRICITY AND REDUCING CARBON EMISSIONS

SEC. 13010. EXTENSION AND MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) In General.—The provisions of section 45(f)(5) of the Internal Revenue Code of 1986 are amended by striking “January 1, 2022” each place it appears and inserting “January 1, 2025”:

(1) Paragraph (2)(A).
(2) Paragraph (2)(B).
(3) Paragraph (6).
(4) Paragraph (7).
(5) Paragraph (9).
(6) Paragraph (11)(B).

(b) Base Credit Amount.—Section 45 is amended—

(1) in subsection (a)(1), by striking “1.5 cents” and inserting “3.0 cents”, and

(2) in subsection (b)(2), by striking “1.5 cents” and inserting “3.0 cents”.

(c) Application of Extension to Geothermal and Solar.—Section 45(f)(4) is amended by striking “and which” and all that follows through “January 1, 2022” and inserting “the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7)(A) and (8).

(d) Extension of Election to Treat Qualified Facilities As Energy Property.—Section 45(a)(5)(C)(i) is amended by striking “January 1, 2022” and inserting “January 1, 2025”.

(e) Application of Extension to Wind Facilities.—Section 45(c)(5) is amended by striking “January 1, 2022” and inserting “January 1, 2025”.

(f) Application of Passout Percentage.—

(A) Renewable electricity production credit.—Section 45(b)(5) is amended by inserting “in service after January 1, 2022” before “using wind to produce electricity”.

(B) Energy credit.—Section 46(a)(5)(E) is amended by inserting “placed in service before January 1, 2022, and before treated as energy property”.

(C) Qualified offshore wind facilities.—Section 46(h)(5)(K)(ii) is amended by striking “offshore wind facility” and all that follows and inserting the following: “offshore wind facility, subparagraph (E) shall not apply.”.

(1) Wage and Apprenticeship Requirements.—Section 45(b) is amended by adding at the end the following new paragraphs:

(6) Increased credit amount for qualified facilities.—

(A) In general.—In the case of any qualified facility which satisfies the requirements described in subparagraph (D) it determined after the application of paragraphs (1) through (5) and without regard to this paragraph shall be equal to such amount multiplied by 5.

(B) Qualified facility requirements.—A qualified facility meets the requirements of this subparagraph if it is one of the following:

(i) A facility with a maximum net output of less than 1 megawatt (as measured in alternating current).

(ii) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (7)(A) and (8).

(iii) A facility which satisfies the requirements of paragraphs (7)(A) and (8).

(7) Prevailing wage requirements.—

(A) In general.—The requirements described in this subparagraph with respect to any qualified facility that the taxpayer shall ensure that any laborer or mechanic employed by the taxpayer or any contractor or subcontractor in—

(i) the construction of such facility, and

(ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a)(2)(A)(iii), the alteration or repair of such facility, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 42, United States Code. For purposes of determining an increased credit amount under paragraph (6)(A) for a taxable year, the requirement under clause (ii) is applied in the following manner:

(B) Correction and penalty related to failure to comply with subparagraph (A).—

(i) In general.—In the case of any taxpayer which fails to satisfy the requirement under subparagraph (A) with respect to the construction of a qualified facility with respect to the alteration or repair of a facility in any year during the period described in subparagraph (A)(ii), such taxpayer shall be deemed to have satisfied such requirement under such subparagraph with respect to such facility for any year if, with respect to any laborer or mechanic who was paid wages at a rate below the rate described in such subparagraph for any period during such year, such taxpayer—

(aa) makes payment to such laborer or mechanic in an amount equal to the difference between—

(AA) the amount of wages paid to such laborer or mechanic during such period, and

(BB) the amount of wages required to be paid to such laborer or mechanic pursuant to such subparagraph during such period, plus

(bb) interest on the amount determined after the application of section 6621 (determined by subtracting 6 percentage points for 3 percent per annum, determined after the application of such section) for the period described in such section, and

(II) makes payment to the Secretary of a penalty in an amount equal to the product of—

(aa) $5,000, multiplied by

(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

(2) Deficiency procedures not to apply.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply to any assessment or collection of any penalty imposed by this paragraph.

(3) Intentional disregard.—If the Secretary determines that any failure described in clause (1) is due to intentional disregard of the requirements described in subparagraph (A), such clause shall be applied—

(I) in subclause (I), by substituting “three times the sum for ‘the sum', and

(II) in subclause (II), by substituting “$10,000” for “$5,000” in item (aa) thereof.

(4) Limitation on period for payment.—Pursuant to rules issued by the Secretary, in the case of a final determination by the Secretary with respect to any failure by the taxpayer to satisfy the requirement under subparagraph (A), subsection (B)(i) shall not apply to any laborer or mechanic who works on or after the date which is 180 days after the date of such determination.

(5) Apprenticeship requirements.—The requirements described in this paragraph with respect to the construction of any qualified facility are as follows:

(A) Labor hours.—

(i) Percentage of total labor hours.—Taxpayers shall ensure that, with respect to the construction of any qualified facility, not less than the applicable percentage of the total labor hours of the construction, alteration, or repair work performed by any contractor or subcontractor with respect to such facility shall, subject to subparagraph (B), be performed by qualified apprentices.

(ii) Applicable percentage.—For purposes of clause (i), the applicable percentage shall be—

(1) in the case of a qualified facility the construction of which begins before January 1, 2023, 10 percent,

(2) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and

(3) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

(B) Apprenticeship ratio.—The requirement under subparagraph (A) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

(C) Participation.—Each taxpayer, contractor, or subcontractor who employs 4 or more individuals to perform construction, alteration, or repair work with respect to the construction of a qualified facility shall employ 1 or more qualified apprentices to perform such work.

(D) Exception.—

(i) In general.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—

(aa) satisfies the requirements described in clause (i), or

(bb) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) which are required to be paid to any laborer or mechanic who was paid wages at a rate below the rate described in subparagraph (A) for any period during such year, such taxpayer—

(ii) makes payment to the Secretary of a penalty in an amount equal to the product of—

(aa) $5,000, multiplied by

(bb) the total number of laborers and mechanics who were paid wages at a rate below the rate described in subparagraph (A) for any period during such year.

iii) is due to intentional disregard of the requirements described in subparagraph (A), such clause shall be applied—

(i) in subclause (I), by substituting “three times the sum for ‘the sum', and

(ii) in subclause (II), by substituting “$10,000” for “$5,000” in item (aa) thereof.

SEC. 13101. IMPROVE AFFORDABILITY AND REDUCE PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) In General.—Section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking “in 2021 or 2022” and inserting “after December 31, 2022, and before January 1, 2026”, and

(2) by striking “January 1, 2022” and inserting “January 1, 2026”, and

amended by inserting “placed in service beginning after December 31, 2022, and before January 1, 2025”, and

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.
payment to the Secretary of a penalty in an amount equal to the product of—

‘‘(aa) $50, multiplied by

‘‘(bb) the total labor hours for which the requirements of paragraph (1) were not satisfied with respect to any qualified facility certified to the Secretary (at such time, and in such form, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility (upon completion of construction) is produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components which are mined, produced, or manufactured in the United States).’’

(ii) in subparagraph (C) of the preceding provision of this section, is inserted ‘‘last two sentences’’.

‘‘(j) HYDROPOWER.—

‘‘(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION — The amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.

‘‘(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

‘‘(A) in subsection (c)(10)(A)—

‘‘(i) in clause (ii), by striking ‘‘10%’’ and inserting ‘‘or’’;

‘‘(ii) in clause (iv), by striking the period at the end and inserting ‘‘, or’’ and

‘‘(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term ‘energy community’ means—

‘‘(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(i)(III) of section 103(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).’’

‘‘(ii) a metropolitan statistical area or non-metropolitan statistical area which—

‘‘(I) has a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(ii) a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(1) IN GENERAL.—For purposes of this subsection, including regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance with respect to requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

‘‘(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

‘‘(1) Rounding Adjustment.—

‘‘(A) IN GENERAL.—In the case of any qualified facility which is an offshore wind facility, the adjusted percentage shall be (B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

‘‘(1) the value of such credit (determined after the application of this paragraph), multiplied by

‘‘(ii) PHASEOUT FOR ELECTIVE PAYMENT.—

‘‘(A) IN GENERAL.—In the case of a taxpayer making an election under section 6617 with respect to a credit under this section, the amount of such credit shall be reduced with—

‘‘(I) has (or, at any time during the period beginning after December 31, 2009, had) 0.17 percent or greater local tax revenues related to the extraction, processing, transport, or storage of coal, oil, or natural gas (as determined by the Secretary), and

‘‘(ii) a coal mine which—

‘‘(aa) after December 31, 1999, has closed, or

‘‘(bb) after December 31, 2009, a coal-fired electric generating unit has been retired, or

‘‘(D) EXCEPTION.—

‘‘(1) IN GENERAL.—In the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(ii) MANUFACTURED PRODUCT.—For purposes of subparagraph (B), the applicable percentage shall be—

‘‘(I) a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(ii) a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

‘‘(A) IN GENERAL.—In the case of any qualified facility which is an offshore wind facility, the adjusted percentage shall be

‘‘(i) the applicable percentage.

‘‘(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

‘‘(1) IN GENERAL.—For purposes of this paragraph, the term ‘qualifying components’ includes any steel, iron, or manufactured product which is produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components which are mined, produced, or manufactured in the United States).’’

‘‘(ii) HYDROPOWER.—

‘‘(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION — The amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.

‘‘(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

‘‘(A) in subsection (c)(10)(A)—

‘‘(i) in clause (ii), by striking ‘‘10%’’ and inserting ‘‘or’’;

‘‘(ii) in clause (iv), by striking the period at the end and inserting ‘‘, or’’ and

‘‘(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term ‘energy community’ means—

‘‘(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(i)(III) of section 103(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).’’

‘‘(ii) a metropolitan statistical area or non-metropolitan statistical area which—

‘‘(I) has a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(ii) a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(3) is amended to read as follows:

‘‘(A) IN GENERAL.—In the case of any qualified facility which is an offshore wind facility, the adjusted percentage shall be

‘‘(i) the applicable percentage.

‘‘(B) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

‘‘(1) IN GENERAL.—For purposes of this paragraph, the term ‘qualifying components’ includes any steel, iron, or manufactured product which is produced in the United States if not less than the adjusted percentage (as determined under subparagraph (C)) of the total costs of all such manufactured products of such facility are attributable to manufactured products (including components which are mined, produced, or manufactured in the United States).’’

‘‘(ii) HYDROPOWER.—

‘‘(1) ELIMINATION OF CREDIT RATE REDUCTION FOR QUALIFIED HYDROELECTRIC PRODUCTION — The amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (10), without the application of paragraph (9)) shall be increased by an amount equal to 10 percent of the amount so determined.

‘‘(2) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—Section 45 is amended—

‘‘(A) in subsection (c)(10)(A)—

‘‘(i) in clause (ii), by striking ‘‘10%’’ and inserting ‘‘or’’;

‘‘(ii) in clause (iv), by striking the period at the end and inserting ‘‘, or’’ and

‘‘(B) ENERGY COMMUNITY.—For purposes of this paragraph, the term ‘energy community’ means—

‘‘(i) a brownfield site (as defined in subparagraphs (A), (B), and (D)(i)(III) of section 103(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).’’

‘‘(ii) a metropolitan statistical area or non-metropolitan statistical area which—

‘‘(I) has a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.

‘‘(ii) a qualified facility which is an offshore wind facility, the adjusted percentage shall be 20 percent.
(III) by adding at the end the following:

“(v) pressurized water used in a pipeline (or similar man-made water conveyance) which is operated—

(B) in subsection (d)(11)(A), by striking “150” and inserting “25”.

(e) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 48(a)(2)(A)(I)(II) is amended by striking “paragraph (3)(A)(I)” and inserting “clause (i) or (iii) of paragraph (3)(A)”.

(f) ENERGERS.—QUALIFIED BIOGAS PROPERTY; MICROGRID CONTROLLERS; EXTENSION OF OTHER PROPERTY.—

(1) In general.—Section 48(a)(3)(A)(I) is amended by striking “or” at the end of clause (vii), and by adding at the end the following new clauses:

(i) energy storage technology,

(ii) qualified biogas property,

(iii) microgrid controllers,

(iv) energy property described in clauses (v) and (vii) of paragraph (3)(A), and

(2) APPLICATION OF 6 PERCENT CREDIT.—Section 48(a) is amended by striking and inserting the following new paragraphs:

(6) ENERGY STORAGE TECHNOLOGY.—

(A) In general.—The term ‘energy storage technology’ means—

(i) property which is not property primarily used in the transportation of goods or individuals and not for the production of electricity which receives, stores, and delivers energy from electricity in the hydrogen form (in the case of the hydrogen, which stores energy), and has a nameplate capacity of not less than 5 kilowatt hours, and

(ii) thermal energy storage property.

(B) MODIFICATIONS OF CERTAIN PROPERTY.—In the case of any property which either—

(i) was placed in service before the date of enactment of this section and would be described in subparagraph (A)(i), except that such property has a nameplate capacity of more than 5 kilowatt hours and is modified in a manner that such property (after such modification) has a nameplate capacity of not less than 5 kilowatt hours,

(ii) is described in subparagraph (A)(i) and is modified in a manner that such property (after such modification) has an increase in nameplate capacity of not less than 5 kilowatt hours,

such property shall be treated as described in subparagraph (A)(i) except that the basis of such property shall be reduced by the basis of such property (after such modification) by the due date (within the meaning of section 453) if a credit is allowed with respect to such property.

(C) THERMAL ENERGY STORAGE PROPERTY.—

(1) In general.—Subject to clause (ii), for purposes of this paragraph, the term ‘thermal energy storage property’ means property comprising a system which—

(I) is directed to a heating, ventilation, or air conditioning system,

(II) removes heat from, or adds heat to, a storage medium for subsequent use, and

(III) provides energy for the heating or cooling of the interior of a residential or commercial building.

(2) Exclusion.—The term ‘thermal energy storage property’ shall not include—

(I) a swimming pool,

(II) combined heat and power system property, or

(III) a building or its structural components.

(3) Termination.—The term ‘energy storage technology’ shall not include any property the construction of which begins after December 31, 2024.

(7) QUALIFIED BIOGAS PROPERTY.—

(A) In general.—The term ‘qualified biogas property’ means property comprising a system which—

(i) converts biomass (as defined in section 45K) as in effect on the date of enactment of this paragraph) into a gas which—

(II) consists of not less than 52 percent methane by volume, or

(ii) captures such gas for sale or productive use, and for disposal via combustion.

(B) Inclusion of cleaning and conditioning property.—The term ‘qualified biogas property’ includes any property which is part of such system which cleans or conditions such gas.

(C) Termination.—The term ‘qualified biogas property’ shall not include any property the construction of which begins after December 31, 2024.

(8) MICROGRID CONTROLLER.—

(A) In general.—The term ‘microgrid controller’ means equipment which is—

(i) of a qualified microgrid, and

(ii) designed and used to monitor and control the energy resources and loads on such microgrid.

(B) QUALIFIED MICROGRID.—The term ‘qualified microgrid’ means an electrical system of—

(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 30 megawatts of electricity,

(ii) is capable of operating—

(1) in connection with the electrical grid and as a single controllable entity with respect to such grid, and

(2) independently (and disconnected) from such grid, and

(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 823o)).

(C) Termination.—The term ‘microgrid controller’ shall not include any property the construction of which begins after December 31, 2024.

(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 48(e) is amended by adding at the end the following new paragraph:

(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term ‘qualified facility’ shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(6)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.

(5) PUBLIC UTILITY PROPERTY.—Paragraph (2) of section 50(d) is amended—

(A) by adding after the first sentence the following new sentence: “At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—”, and

(B) by adding the following new subparagraph:

(4) D ENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 48(e) is amended by adding after the first sentence the following new sentence: “At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—”, and

(C) by adding the following new sentence:

(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term ‘qualified facility’ shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(6)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.

(6) PUBLIC UTILITY PROPERTY.—Paragraph (2) of section 50(d) is amended—

(A) by adding after the first sentence the following new sentence: “At the election of a taxpayer, this paragraph shall not apply to any energy storage technology (as defined in section 48(c)(6)), provided—”, and

(B) by adding the following new subparagraph:

(12) COORDINATION WITH ENERGY CREDIT FOR QUALIFIED BIOGAS PROPERTY.—The term ‘qualified facility’ shall not include any facility which produces electricity from gas produced by qualified biogas property (as defined in section 48(c)(6)) if a credit is allowed under section 48 with respect to such property for the taxable year or any prior taxable year.
"(C) an election shall not apply with respect to any energy storage technology if such energy storage technology has a maximum capacity equal to or less than 500 kilowatt hours."

"(g) FUEL CELLS USING ELECTROMECHANICAL PROCESSES.——Section 48(c)(1) is amended——

(A) in subparagraph (A)(i)—

(1) by inserting "or electrochromic" after "electrochemical," and

(2) by adding at the end the following new subparagraph:

"(ii) a linear generator assembly," after "a fuel cell stack assembly," and

(iii) by inserting "or electrochromic" after "electrochemical".

(2) LINEAR GENERATOR ASSEMBLY LIMITATION.—Section 48(c)(1) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) LINEAR GENERATOR ASSEMBLY.—The term ‘linear generator assembly’ does not include any assembly which contains rotating parts.";

"(h) DYNAMIC GLASS.—Section 48(a)(3)(A)(ii) is amended by inserting "or electrochromic glass" after "light transmittance properties in order to heat or cool a structure," after "sunlight".

(I) COORDINATION WITH LOW INCOME HOUSING TAX CREDIT.—Paragraph (3) of section 50(c) is amended—

(A) by striking "and" at the end of subpara-

graph (A),

(B) by striking the period at the end of subpar-

graph (B) and inserting "and", and

(C) by adding at the end the following new sub-

paragraph:

"(2) if a project meets the requirements of this subparagraph if it is one of the following:

(i) A project with a maximum net output of less than 1 megawatt of electrical (as measured in alternating current) or thermal energy.

(ii) A project the construction of which begins before the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (10)(A) and (11).

(iii) A project which satisfies the requirements of paragraphs (10)(A) and (11).

(iv) PREVAILING WAGE REQUIREMENTS.—(A) IN GENERAL.—For purposes of this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by any employer or any contractor or subcontractor in—

(i) the construction of such energy project, and

(ii) for the 5-year period beginning on the date such project is originally placed in service, the alteration or repair of such project, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor."

"(j) INTERCONNECTION PROPERTY.—The term ‘interconnection agreement’ means an agreement with a utility for the purposes of interconnecting the energy property owned or operated by the taxpayer, with the transmission or distribution system of such utility."

"(k) UTILITY.—For purposes of this para-

graph, the term ‘utility’ means the owner or operator of an electrical transmission or dis-

tribution system which is subject to the regu-

orative authority of a State or political sub-

division thereof, any agency or instrument-

ality within such political subdivision or public utility commission or other similar body of any State or political subdivision thereof, or the body responsible for the operation of an electric cooperative.

"(l) SPECIAL RULE FOR INTERCONNECTION PROPERTY.—In the case of expenses paid or incurred for interconnection property, amounts otherwise chargeable to capital account with respect to such expenses shall be reduced under rules similar to the rules of section 50(a)."

"(m) ENERGY PROJECTS, WAGE REQUIREMENTS, AND APPRENTICESHIP REQUIREMENTS.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraphs:

"(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—

(A) IN GENERAL.—

(i) RULE.—In the case of any energy project which satisfies the requirements described in subparagraph (B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) and without regard to this clause) shall be equal to such amount multiplied by 5.

(ii) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

(A) A project with a single energy property shall be deemed to satisfy the requirement under subparagraph (B), for purposes of applying paragraph (2) with respect to such property, the energy property shall be included in the applicable credit rate increase.

(B) REQUIREMENT.—Rules similar to the rules of section 45(b)(9)(B) shall apply.

"(n) APPLICABLE CREDIT RATE INCREASE.—For purposes of subparagraph (A), the applicable credit rate increase shall be—

(i) in the case of an energy project which does not satisfy the requirements of paragraph (9)(B), 2 percentage points, and

(ii) in the case of an energy project which satisfies the requirements of paragraph (9)(B), 10 percentage points.

"(o) PHASEOUT FOR ELECTIVE PAYMENT.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, rules similar to the rules of section 45(b)(10) shall apply.

"(p) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

(A) IN GENERAL.—In the case of any energy project which satisfies the requirements described in this subparagraph with respect to any energy project are that the taxpayer shall ensure that any laborers and mechanics employed by any employer or any contractor or subcontractor in—

(i) the construction of such energy project, and

(ii) for the 5-year period beginning on the date such project is originally placed in service, the alteration or repair of such project, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor."

"(q) TREATMENT OF CERTAIN CONTRACTS INVOLVING ENERGY STORAGE.—Section 7701(e) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(i), by striking "or" at the end of subclause (II), by striking "and" at the end of subclause (III) and inserting "or", and by adding at the end the following new subclause:

(iv) the operation of a storage facility, and

(B) by adding at the end the following new subparagraph:

"(5) STORAGE FACILITY.—For purposes of subparagraph (A), the term ‘storage facility’ means a facility which uses energy storage technology within the meaning of section 48(c)(6)."

"(r) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—Section 48(a), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(14) INCREASE IN CREDIT RATE FOR ENERGY COMMUNITIES.—

(A) IN GENERAL.—In the case of any energy project that is placed in service within an energy community (as defined in section..."
(1) IN GENERAL.—The term ‘qualified solar and wind facility’ means any facility—

(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) of subsection (a)(3)(A)

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is in a low-income community (as defined in section 45(d)(5) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(2) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this subsection—

(a) IN GENERAL.—The term ‘qualified solar and wind facility’ means any facility—

(i) which generates electricity solely from property described in section 45(d)(1) or in clause (i) of subsection (a)(3)(A)

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is in a low-income community (as defined in section 45(d)(5) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(ii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the environmental justice solar and wind facility includes installation of carbon capture technology, and

(iii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(C) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(iii) which are part of a qualified low-income residential building project or a qualified low-income residential building project (as defined in section 45(d)(6))

(iii) it is located in a low-income community (as defined in section 45(d)(5)) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(ii) if the portion of such property which is part of such facility is installed in connection with such facility.

(iii) which is in a low-income community (as defined in section 45(d)(5) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(ii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the environmental justice solar and wind facility includes installation of carbon capture technology, and

(iii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(C) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(iii) which is in a low-income community (as defined in section 45(d)(5) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(ii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the environmental justice solar and wind facility includes installation of carbon capture technology, and

(iii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(C) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the energy project satisfies the requirements of paragraph (2)(C)(v) of subsection (a) of section 48(e), and

(iii) which is in a low-income community (as defined in section 45(d)(5) or on Indian land (as defined in section 2901(2) of the Energy Policy and Conservation Act (42 U.S.C. 6291(2))), or

(ii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,

(B) the environmental justice solar and wind facility includes installation of carbon capture technology, and

(iii) the increase in the credit determined under subsection (d) if—

(A) the average net output of the energy project for such year (as measured in direct current) is less than 2 megawatts,
(1) IN GENERAL.—Section 45Q(b)(1), as amended by the preceding provisions of this Act, is amended—
(A) by redesignating subparagraph (B) as subparagraph (A) and
(B) by inserting after subparagraph (A) the following new subparagraphs:
   (B) SPECIAL RULE FOR DIRECT AIR CAPTURE FACILITIES.—In the case of a qualified facility described in subsection (d)(2)(A) which is placed in service after December 31, 2022, the applicable dollar amount shall be an amount determined by multiplying the applicable dollar amount otherwise determined with respect to such qualified facility under subparagraph (A), except that such subparagraph shall be applied—
   (i) by substituting ‘$36’ for ‘$17’ each place it appears, and
   (ii) by substituting ‘$36’ for ‘$12’ each place it appears.

(C) APPlicable dollar amount for additional carbon capture equipment.—In the case of any qualified facility which is placed in service before January 1, 2023, if any additional carbon capture equipment is installed at such facility and such equipment is placed in service after December 31, 2022, the applicable dollar amount shall be an amount determined by multiplying the applicable dollar amount otherwise determined with respect to such qualified facility under subparagraph (A), except that such subparagraph shall be applied—
   (i) by substituting ‘$36’ for ‘$17’ each place it appears, and
   (ii) by substituting ‘$36’ for ‘$12’ each place it appears.

(D) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 45Q is amended by redesigning subsection (h) as subsection (i) and inserting after subsection (g) following new subsection:
   (H) INCREASED CREDIT AMOUNT FOR QUALIFIED FACILITIES AND CARBON CAPTURE EQUIPMENT.—
   (i) In general.—In the case of any qualified facility or any carbon capture equipment with which the requirements of paragraph (2), the amount of the credit determined under subsection (A) shall be equal to such amount (determined without regard to this section) multiplied by 5.
   (ii) Requirements.—The requirements described in this paragraph are that—
   (A) with respect to any qualified facility the construction period begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is placed in service at such facility.
   (B) with respect to any carbon capture equipment with which the requirements of paragraph (4) with respect to such facility begin to apply, the construction period begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is placed in service at such facility.

(E) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(f) is amended—
   (1) by striking the second paragraph (3), as added at the end of such section by section 80402(e) of the Infrastructure Investment and Jobs Act (Public Law 117-58), and
   (2) by adding at the end the following new paragraph:
   (B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

(F) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—Section 45Q(g) is amended—
   (1) by striking the second paragraph (3), as added at the end of such section by section 80402(e) of the Infrastructure Investment and Jobs Act (Public Law 117-58), and
   (2) by adding at the end the following new paragraph:
   (B) ELECTION.—For purposes of paragraphs (3)(A)(i) and (3)(B) with respect to the tax-exempt bonds issued with respect to any qualified facility the construction period begins on or after the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and such equipment is placed in service at such facility.
equipment which is originally placed in service at a qualified facility on or after the date of the enactment of the Bipartisan Budget Act of 2018 (after application of paragraph (6), which applies to carbon capture equipment placed in service after December 31, 2024).

(‘‘A’’) no taxpayer claimed a credit under this section with respect to such carbon capture equipment for any prior taxable year.

(‘‘B’’) the qualified facility at which such carbon capture equipment is placed in service is located in an area affected by a federally-declared disaster (as defined by section 168(i)(4)(A) after the carbon capture equipment is originally placed in service, and

(‘‘C’’) such federally-declared disaster results in a cessation of the operation of the qualified facility or the carbon capture equipment after such equipment is originally placed in service.’’).

(b) RELATION FOR BASELINE CARBON OxIDE PRODUCTION.—Subsection (a) of section 45Q, as redesignated by subsection (d), is amended—

(1) by striking (1), by striking ‘‘and’’, and

(2) in paragraphs (2), by striking the period at the end and inserting ‘‘; and’’, and

(3) by adding at the end the following new paragraph:—

‘‘(b) for purposes of subsection (d)(2)(B)(ii), adjust the baseline carbon ox ide production with respect to any applicable electric generating electricity facility if, after the date on which the carbon capture equipment is placed in service, modifications which are chargeable to capital accounts with respect to such unit which result in a significant increase or decrease in carbon ox ide production.’’.

(1) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), the amendments made by this section shall apply to facilities or equipment placed in service after December 31, 2022.

(2) MODIFICATION OF CARBON OXIDE CAPTURE REQUIREMENTS.—The amendments made by this section shall apply to facilities or equipment placed in service after December 31, 2021.

(3) APPLICATION OF SECTION FOR CERTAIN CARBON CAPTURE EQUIPMENT.—The amendments made by subsection (b) shall apply to carbon dioxide capture and disposed of after December 31, 2021.

SEC. 13155. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding after the end of the following section:

‘‘SEC. 45U. Zero-emission nuclear power production credit.

‘‘(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

(‘‘1’’) the product of—

(A) 0.3 cents, multiplied by

(B) the kilowatt hours of electricity—

(i) produced by the taxpayer at a qualified nuclear power facility, and

(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

(‘‘2’’) the reduction amount for such taxable year.

(‘‘b’’) the amount determined under subsection (a)(1), or

(‘‘c’’) which is placed in service before the date of the enactment of this section.

(2) REDUCTION AMOUNT.

(‘‘A’’) IN GENERAL.—For purposes of this section, the term ‘‘reduction amount’’ means, with respect to any qualified nuclear power facility for any taxable year, the amount equal to the lesser of—

(i) the amount determined under subsection (a)(1), or

(ii) the amount equal to 16 percent of the excess of—

(‘‘1’’) the amount determined under subsection (a)(1), or

(‘‘2’’) the amount of the credit calculated pursuant to subsection (a)(1), multiplied by

(‘‘3’’) the amount determined under subsection (a)(1)(B).

(‘‘B’’) TREATMENT OF CERTAIN RECEIPTS.—

(i) IN GENERAL.—Subject to clause (iii), the amount determined under subparagraph (A)(i)(II) shall include any amount received during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program.

(ii) EXCLUSION.—For purposes of determining the amount received during the taxable year, the taxpayer shall take into account any reductions required under such program.

(iii) ELECTION.—For purposes of this paragraph, the term ‘‘zero-emission credit program’’ means any payments with respect to a qualified nuclear power facility as a result of any Federal, State, or local government program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

(‘‘C’’) ELECTRICITY.—For purposes of this section, the term ‘‘electricity’’ means the energy generated by any electric facility from the conversion of nuclear fuel into electric power.

(‘‘d’’) OTHER RULES.—

(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(I)(aa) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2)), as applied by substituting ‘‘calendar year 2022’’ for ‘‘calendar year 1992’’ in subparagraph (B) thereof for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

(‘‘e’’) WAGE REQUIREMENTS.—

(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2)(A), the amount of the credit determined under section 45U(a)(1)(B) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

(‘‘f’’) EFFECTIVE DATE.—The amendments made by this section shall apply to nuclear fuel sold or used after December 31, 2021.

(‘‘g’’) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 45U(a)(1)(B) in accordance with subsection IV of chapter 31 of title 40, United States Code.

(‘‘h’’) DETERMINATION.—This section shall not apply to taxable years beginning after December 31, 2022.

(‘‘i’’) CONFORMING AMENDMENTS.—

(1) Section 38(b)(6) is amended—

(A) in paragraph (3), by striking ‘‘plus’’ at the end,

(B) in paragraph (3), by striking the period at the end and inserting ‘‘; plus’’, and

(C) by adding at the end the following new paragraph:—

‘‘(4) the zero-emission nuclear power production credit determined under section 45U(a).’’.

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

‘‘Sec. 45U. Zero-emission nuclear power production credit.’’.

(‘‘j’’) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2021, in taxable years beginning after such date.

PART 2—CLEAN FUELS

SEC. 13201. EXTENSION OF INCENTIVES FOR BIO- DIESEL, RENEWABLE DIESEL AND ALTERNATIVE FUELS.

(a) BIO- DIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(c) is amended by striking “December 31, 2022” and inserting “December 31, 2023”).

(b) BIO- DIESEL MIXTURE CREDIT.—

(A) IN GENERAL.—Section 6426(c)(6) is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

(B) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(d)(6) is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

(c) FUELS NOT USED FOR TAXABLE PURPOSES.—Section 6426(c)(6)(B) is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking “December 31, 2021” and inserting “December 31, 2024”.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 427(c)(6)(C) is amended by striking “December 31, 2021” and inserting “December 31, 2024”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

(g) SPECIAL RULE.—In the case of any alternative fuel credit properly determined under section 427(c)(6) in accordance with the Internal Revenue Code of 1986 for the period beginning on January 1, 2022, and ending with the close of the
last calendar quarter beginning before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 4627(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary’s delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide, within 30 days after the enactment of this Act, that such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

SEC. 13202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) In General.—Section 49(b)(6)(J)(i) is amended by striking “2022” and inserting “2023”.

(b) Effective Date.—The amendment made by this subsection shall apply to second generation biofuel production after December 31, 2021.

SEC. 13203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 40A the following new section:

``40B. Sustainable Aviation Fuel Credit.

(a) In General.—For purposes of section 38, the sustainable aviation fuel credit determined under this section for the taxable year is, with respect to any sale or use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by (2) the PUDC for such sustainable aviation fuel.

(b) Applicable Supplementary Amount.—For purposes of this section, the term ‘applicable supplementary amount’ means, with respect to any sustainable aviation fuel, the PUDC multiplied by the percentage by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this section exceed $0.50.

(c) Qualified Mixture.—For purposes of this section, a qualified mixture means a mixture of sustainable aviation fuel and kerosene if—

(1) such mixture is produced by the taxpayer or sold by the taxpayer for use in an aircraft,

(2) such sale or use is in the ordinary course of a trade or business of the taxpayer, and

(3) the transfer of such mixture to the fuel tank in such aircraft occurs in the United States.

(d) Sustainable Aviation Fuel.—

(1) In General.—For purposes of this section, the term ‘sustainable aviation fuel’ means liquid fuel, the portion of which is not kerosene, which—

(1) meets the requirements of—

(ii) the Fischer Tropsch provisions of ASTM International Standard D6885, Annex A1,

(B) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass,

(C) is not derived from palm fatty acid distillates or petroleum, and

(D) has been certified in accordance with subsection (e) as having a lifecycle greenhouse gas emissions reduction percentage of at least 50 percent.

(2) Definitions.—In this subsection—

(A) APPLICABLE MATERIAL.—The term ‘applicable material’ means—

(i) monoglycerides, diglycerides, and triglycerides,

(ii) free fatty acids, and

(iii) fatty acid esters.

(B) BIOMASS.—The term ‘biomass’ has the same meaning given such term in section 45K(b)(3).

(C) LIQUEFY GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE.—For purposes of this section, the term ‘lifecycle greenhouse gas emissions reduction percentage’ means, with respect to any sustainable aviation fuel, the percentage by which the lifecycle greenhouse gas emissions achieved by such fuel as compared with petroleum-based jet fuel, as defined in accordance with—

(i) the most recent Carbon Offsetting and Reduction Scheme for International Aviation which has been adopted by the International Civil Aviation Organization with the agreement of the United States, or

(ii) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

(D) REGISTRATION REQUIREMENT.—For purposes of this section, requirements similar to the requirements of the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

(ii) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

(iii) any other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

(F) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel shall, under rules prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel by reason of the application of section 6426 or 6427(e).

(G) TERMINATION.—This subsection shall not apply to any sale or use after December 31, 2021.

(b) Credit Made Part of General Business Credit.—Section 38(b), as amended by the preceding provisions of this Act, 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 inserting after paragraph (34) the following new paragraph:

(35) the sustainable aviation fuel credit determined under section 40B.

(c) Coordination With Biodiesel Incentives.—

(1) In General.—Section 40A(d)(1) is amended by inserting ‘‘or 40B’’ after ‘‘determined under section 40’’.

(2) Conforming Amendment.—Section 40A(9) is amended by striking paragraph (4).

(d) Sustainable Aviation Fuel Added to Credit for Alcohol Fuel, Biodiesel, and Alternative Fuel Mixture Credit.—In General.—Section 6426 is amended by adding at the end the following new subsection:

(i) Sustainable Aviation Fuel Credit.—

(1) In General.—For purposes of this section, the sustainable aviation fuel credit for the taxable year is, with respect to any sale or use of a qualified mixture, an amount equal to the product of—

(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by (B) the sum of—

(i) $1.25, plus (ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

(2) Definitions.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

(3) Coordination with Credit Against Excise Tax.—(i) The provisions of section 40B(f) shall apply. (ii) The provisions of section 40B(g) shall have the meaning given such term by section 40B.

(4) Effective Date.—The amendments made by this subsection which are rules similar to the rules of section 40B shall apply.

(5) Coordining Amendments.—(A) Section 6426 is amended—

(i) in subsection (a), by striking ‘‘OR ALTERNATIVE FUEL’’ and inserting ‘‘ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL’’,

(ii) in paragraph (1), by inserting ‘‘the sustainable aviation fuel mixture credit’’ after ‘‘alternative fuel mixture credit’’, and

(iii) in paragraph (6)—

(1) in subparagraph (C), by striking ‘‘and’’ at the end,

(2) in subparagraph (D), by striking the period at the end and inserting ‘‘., and’’, and

(3) by adding at the end the following new subparagraph:

(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(3)) sold or used after December 31, 2021.

(B) Section 4101(a) is amended by inserting ‘‘and inserting ‘‘ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL’’,

(ii) in paragraph (1), by inserting ‘‘the sustainable aviation fuel mixture credit’’ after ‘‘alternative fuel mixture credit’’,

(C) Section 4101(a)(1) is amended by inserting ‘‘every person producing or importing sustainable aviation fuel (as defined in section 40B), before and every person producing second generation biofuel’’

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

‘‘40B. Sustainable aviation fuel credit.’’

(E) Amount of Credit Included in Gross Income.—Section 87 is amended by striking ‘‘and’’ in paragraph (1), by striking the period at the end of paragraph (2) and inserting ‘‘and’’, and by adding at the end the following new paragraph:

‘‘the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).’’

(F) Effective Date.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

SEC. 13204. CLEAN HYDROGEN.

(a) Credit for Production of Clean Hydrogen.
(1) IN GENERAL.—Subject to subparagraph (B) of this subsection, the term ‘lifecycle greenhouse gas emissions’ shall mean—

(B) GREET MODEL.—The term ‘lifecycle greenhouse gas emissions’ shall only include emissions through the point of production (well-to-gate), as determined under the most recent GREET model, Energy in Transportation model (commonly referred to as the ‘GREET model’) developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

(2) QUALIFIED CREDIT.—

(A) IN GENERAL.—The term ‘qualified clean hydrogen production facility’ means—

(i) any facility that—

(I) is placed in service after December 31, 2021;

(II) is owned by a taxpayer, and

(III) produces qualified clean hydrogen for sale or use;

(ii) any facility—

(I) that meets the requirements of paragraph (2) for the taxable year in which such facility was placed in service, and

(II) the construction of which begins before January 1, 2023.

(iii) any facility placed in service after December 31, 2021 (well-to-gate), as determined under the most recent GREET model, Energy in Transportation model (commonly referred to as the ‘GREET model’) developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

(B) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of paragraph (2) with respect to a taxable year if it is modified to produce qualified clean hydrogen after the date such facility was originally placed in service.

(C) DEFINITIONS.—For purposes of this subsection—

(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ‘lifecycle greenhouse gas emissions’ has the same meaning given such term under subparagraph (H) of section 45(b)(7) of the Code (as determined by the Secretary).

(B) MULTIPLE USES.—Any amount as determined under subparagraph (a)(2) shall be equal to such amount (determined without regard to this section) multiplied by—

(i) the inflation adjustment for such year; and

(ii) the applicable percentage.

(2) REQUIREMENTS.—A facility meets the requirements of this paragraph if it is one of the following:

(A) A facility—

(i) is placed in service after December 31, 2021;

(ii) which produces qualified clean hydrogen, and

(iii) the construction of which begins prior to the date that is 60 days after the date such facility is originally placed in service as determined by regulations or other guidance for determining lifecycle greenhouse gas emissions.

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it is modified to produce qualified clean hydrogen after the date such facility was originally placed in service.

(B) A facility which satisfies the requirements of subparagraph (A) shall be eligible for a credit equal to the product of—

(i) the kilograms of qualified clean hydrogen produced by such facility, multiplied by—

(A) the applicable percentage; and

(B) the inflation adjustment for such year;

(ii) the inflation adjustment for such year; and

(iii) the applicable percentage.

(ii) any amount as determined under subparagraph (a)(2) with respect to such facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most nearly approximated by the Secretary of Labor, in accordance with subchapter IV of chapter 25 of title 29, United States Code.

(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

(5) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

(6) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, shall be amended by striking at the end the following new paragraph:

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, shall be amended by striking at the end the following new paragraph:

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, shall be amended by striking at the end the following new paragraph:

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, shall be amended by striking at the end the following new paragraph:

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45V(d), as added by this section, shall be amended by striking at the end the following new paragraph:

(3) MODIFICATION OF EXISTING FACILITIES.—

A facility meets the requirements of this paragraph if it—

(A) is a qualified clean hydrogen production facility placed in service after December 31, 2021, or

(B) whose construction begins after December 31, 2021.

(i) is a qualified clean hydrogen production facility placed in service after December 31, 2021, and

(ii) is a qualified clean hydrogen production facility placed in service after December 31, 2021.
(36) the clean hydrogen production credit determined under section 45V(a)."

(b) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

"Sec. 45V. Credit for production of clean hydrogen.

(5) Effective dates.—

(A) In general.—The amendments made by paragraphs (1) and (4) of this subsection shall apply to clean hydrogen produced after December 31, 2022.

(B) Credit reduced for tax-exempt bonds.—The amendment made by paragraph (2) shall apply to facilities the construction of which begins after the date of enactment of this Act.

(C) Modification of existing facilities.—

The amendments made by paragraph (3) shall apply to modifications made after December 31, 2022.

(D) Credit for electricity produced from renewable resources allowed if electricity is used to produce clean hydrogen.—

(I) In general.—Section 45(e), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(I)(A) in the case of any qualified clean hydrogen production facility that begins construction (or reconstruction) of which begins prior to January 1, 2023, only

such facility was designed and expected to produce qualified clean hydrogen which is described in a subparagraph (C) of such section, 2 percent,

and

(IV) in the case of a facility which is designed and reasonably expected to produce qualified clean hydrogen which is described in subparagraph (D) of such section, 6 percent.

(B) denial of production credit.—No credit shall be allowed under section 45V or section 45Q for any taxable year with respect to any specified clean hydrogen production facility or any carbon capture equipment included at such facility.

(C) specified clean hydrogen production facility.—For purposes of this paragraph, a "specified clean hydrogen production facility" means any qualified clean hydrogen production facility (as defined in section 45V(c)(3))—

(1) which is placed in service after December 31, 2022,

(ii) with respect to which—

(I) no credit has been allowed under section 45V or 45Q, and

(II) the taxpayer makes an irrevocable election to have this paragraph apply, and

(III) the taxpayer determines necessary to carry out the purposes of this section, including air sealing material or system,''

(E) Application of annual limitation in case of qualified energy efficiency improvements installed during such taxable year.—The amount paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B)."

(d) Modifications related to qualified energy efficiency improvements.—

(1) Standards for energy efficient building envelopes.—Section 25C(c)(2) is amended by striking "meets—" and all that follows through the period at the end and inserting the following:

"(A) in the case of an exterior window or skylight, Energy Star most efficient certification requirements;"

(2) Modifications related to qualified energy efficiency improvements.—

(E) Allowance of credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the following:

"(I) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

(II) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

(c) Application of annual limitation in case of qualified energy efficiency improvements installed during such taxable year.—Section 25C(b) is amended to read as follows:

"(II) limitations.—

(I) in general.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

(II) energy property.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed with respect to any item of qualified energy property, $600.

(3) Windows.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate with respect to all exterior windows and skylights, $600.

(3) Windows.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate, $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B)."

(3) Energy property.—The credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not exceed:

(A) $250 in the case of any exterior door, and

(B) $500 in the aggregate with respect to all exterior doors.

(4) Heat pump and heat pump water heaters; biomass stoves and boilers.—Notwithstanding paragraphs (1) and (2), the credit allowed under this section by reason of subsection (a)(2) with respect to any taxpayer for any taxable year shall not, in the aggregate, exceed $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B)."

(5) Windows.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, in the aggregate, $2,000 with respect to amounts paid or incurred for property described in clauses (i) and (ii) of subsection (d)(2)(A) and in subsection (d)(2)(B)."
‘(3) the amount paid or incurred by the taxpayer during the taxable year for home energy audits.’.

(2) LIMITATION.—Section 25C(b), as amended by subsection (a), shall apply to property placed in service after December 31, 2024.

(3) EXCLUSION OF TAXES.—The amounts determined by subsection (a) shall be excluded from gross income for purposes of section 25C(b) for property placed in service after December 31, 2024.

(4) Rule of Construction.—This section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25C(b) as amended by this section.

(5) Variant.—This section shall apply to property placed in service after December 31, 2024.

(6) Authority.—The Secretary of the Treasury may by regulation prescribe rules and regulations for the implementation of this section.

(7) Applicability.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

(8) Effective Date.—This section shall take effect on the date of the enactment of this Act.

(9) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(10) Savings Clause.—Nothing in this section shall affect the application of any other provision of law.

SEC. 13302. RESIDENTIAL CLEAN ENERGY CREDIT

(a) Extension of Credit.—

(1) In general.—Section 25D(h) is amended by striking ‘‘December 31, 2023’’ and inserting ‘‘December 31, 2024’’.

(2) Effective Date.—This section shall apply to expenditures made after December 31, 2023.

(b) Savings Clause.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

(c) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) Rule of Construction.—The amendments made by this section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25D(h) as amended by this section.

SEC. 13303. BUSINESS ENERGY CREDIT

(a) Extension of Credit.—

(1) In general.—Section 25D(h) is amended by striking ‘‘December 31, 2024’’ and inserting ‘‘December 31, 2025’’.

(2) Effective Date.—This section shall apply to expenditures made after December 31, 2024.

(b) Savings Clause.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

(c) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) Rule of Construction.—The amendments made by this section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25D(h) as amended by this section.

SEC. 13304. ENERGY STORAGE INVESTMENT CREDIT

(a) Extension of Credit.—

(1) In general.—Section 25D(h) is amended by striking ‘‘December 31, 2024’’ and inserting ‘‘December 31, 2025’’.

(2) Effective Date.—This section shall apply to expenditures made after December 31, 2024.

(b) Savings Clause.—The amendments made by this section shall apply to property placed in service after December 31, 2024.

(c) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) Rule of Construction.—The amendments made by this section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25D(h) as amended by this section.

SEC. 13305. VARIOUS TITLES AND SUBTITLES

(a) Extension of Credit.—

(1) In general.—Section 25D(h) is amended by striking ‘‘December 31, 2025’’ and inserting ‘‘December 31, 2026’’.

(2) Effective Date.—This section shall apply to expenditures made after December 31, 2025.

(b) Savings Clause.—The amendments made by this section shall apply to property placed in service after December 31, 2025.

(c) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) Rule of Construction.—The amendments made by this section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25D(h) as amended by this section.

SEC. 13306. AUTOMOBILE AND TRANSPORTATION CREDIT

(a) Extension of Credit.—

(1) In general.—Section 25D(h) is amended by striking ‘‘December 31, 2026’’ and inserting ‘‘December 31, 2027’’.

(2) Effective Date.—This section shall apply to expenditures made after December 31, 2026.

(b) Savings Clause.—The amendments made by this section shall apply to property placed in service after December 31, 2026.

(c) Transitional Provision.—The amendments made by this section shall apply on a transition basis as determined by the Secretary of the Treasury, in consultation with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(d) Rule of Construction.—The amendments made by this section shall be applied by the Secretary of the Treasury in a manner consistent with the requirements of section 25D(h) as amended by this section.
paragraph (B), paragraph (2) shall be applied as follows: section (b) of section 179D is amended to read (year period ending with such taxable year). any taxable year shall not exceed the excess section (a) with respect to any building for section shall apply to expenditures made paragraph (3), and (5) ELIMINATION OF PARTIAL ALLOWANCE.— (A) as of any date during the 1-year period beginning on the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (4)(A) and (5), or (ii) Installation of such property satisfies the requirements of paragraphs (4)(A) and (5). (4) PREVAILING WAGE REQUIREMENTS.— (A) IN GENERAL.— The requirements described in this subparagraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the installation of any property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. (B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.— Rules similar to the rules of section 45(b)(7)(b) shall apply. (5) APPRENTICESHIP REQUIREMENTS.— Rules similar to the rules of section 45(b)(8) shall apply. (6) REGULATIONS.— The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection. (2) MODIFICATION OF EFFICIENCY STANDARD.— Section 179D(c)(1)(D) is amended by striking "50 percent" and inserting "25 percent". (3) REFERENCE STANDARD.— Section 179D(c)(2) is amended by striking "the most recent" and inserting the following: "the more recent of— (A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers and the Illuminating Engineering Society of North America, or (B) the most recent". (4) FINAL DETERMINATION; EXTENSION OF PERIOD; PLACED IN SERVICE DEADLINE.— Subparagraph (B) of section 179D(c)(3), as amended by paragraph (3), is amended— (A) by inserting "for which the Department of Energy has issued a final determination and and" before "which has been affirmed", (B) by striking "2 years" and inserting "4 years", and (C) by striking "that construction of such property begins" and inserting "such property is placed in service". (5) ELIMINATION OF PARTIAL ALLOWANCE.— (A) IN GENERAL.— Section 179D(d) is amended— (i) by striking paragraph (1), and (ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively. (B) CONFORMING AMENDMENTS.— (i) Section 179D(c)(1)(D) is amended— (I) by striking "subsection (d)(6)" and inserting "subsection (d)(6)" and (II) by striking "subsection (d)(2)" and inserting "subsection (d)(2)". (ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended—
energy efficient building retrofit property. For purposes of this subsection, the term ‘energy efficient building retrofit property’ means—

(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable;

(B) which is installed on or in any qualified building,

(C) which is installed as part of—

(i) the interior lighting systems,

(ii) the heating, cooling, ventilation, and hot water systems, or

(iii) the building envelope, and

(D) installed in accordance with paragraph (2)(B) as meeting the requirements of subparagraphs (B) and (C).

(4) QUALIFIED BUILDING.—For purposes of this subsection, the term ‘qualified building’ means any building which—

(A) is located in the United States, and

(B) was originally placed in service more than 5 years before the establishment of the qualified retrofit plan with respect to such building.

(5) QUALIFYING FINAL CERTIFICATION.—For purposes of this subsection, the term ‘qualifying final certification’ means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification is not more than 75 percent of the baseline energy use intensity of the building.

(6) BASELINE ENERGY USE INTENSITY.—

(A) IN GENERAL.—For purposes of this subsection, the term ‘baseline energy use intensity’ means the energy use intensity certified in paragraph (2)(C), as adjusted to take into account weather.

(B) DETERMINATION OF ADJUSTMENT.—For purposes of subparagraph (A), the adjustments described in such subparagraph shall be determined in such manner as the Secretary may provide.

(7) OTHER DEFINITIONS.—For purposes of this subsection—

(A) ENERGY USE INTENSITY.—The term ‘energy use intensity’ means the annualized, measured site energy use intensity determined in accordance with any regulations or other guidance as the Secretary may provide and measured in British thermal units.

(B) QUALIFIED PROFESSIONAL.—The term ‘qualified professional’ means an individual who is a licensed architect or a licensed engineer and meets such other requirements as the Secretary may provide.

(8) COORDINATION WITH OTHER PROVISIONS.—

(A) IN GENERAL.—The requirements of this section shall apply to taxable years beginning after December 31, 2022.

(B) CERTAIN RULES NOT APPLICABLE.—Subsection (f) of section 179D(d), as redesignated by subsection (a)(5)(A), is amended by striking ‘not later than the date that is 2 years before the date that construction of such property begins’ and inserting ‘not later than the date that is 4 years before the date such property is placed in service’.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) ALTERNATIVE DEDUCTION FOR ENERGY EFFICIENT BUILDING RETROFIT PROPERTY.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section, shall apply to property placed in service after December 31, 2022 (in taxable years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATION OF ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by inserting ‘December 31, 2021’ and inserting ‘December 31, 2022’.

(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows—

‘(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

(A) in the case of a dwelling unit which is part of an existing commercial building property, 30 percent of the property attributable to such unit;

(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program:

(i) which meets the requirements of subsection (c)(1)(A) and which does not meet the requirements of subsection (c)(1)(B), $2,500; and

(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

(B) in the case of a dwelling unit which is part of a building eligible to participate in the Energy Star Multifamily New Construction Program—

(i) which meets the requirements of subsection (c)(1)(A) and which does not meet the requirements of subsection (c)(1)(B), $2,500; and

(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows—

‘(c) ENERGY SAVING REQUIREMENTS.—

‘(1) IN GENERAL.—

‘(A) IN GENERAL.—A dwelling unit meets the requirements of this subsection if such dwelling unit meets the requirements of paragraph (2) or (3) whichever is applicable.

‘(B) ZERO ENERGY READY HOME PROGRAM.—A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023 (or any successor program determined by the Secretary).

‘(2) TRADITIONAL HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

‘(A) such dwelling unit meets—

(i) in the case of a dwelling unit acquired before January 1, 2023, the Energy Star Single-Family New Homes National Program Requirements 3.1, and

(ii) in the case of a dwelling unit acquired before December 31, 2024, the Energy Star Single-Family New Homes National Program Requirements 3.2, and

‘(B) such dwelling unit meets the most recent Energy Star Single-Family New Homes Program Requirements applicable to the location of such dwelling unit (as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date the dwelling unit was acquired), or

‘(C) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

‘(D) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of two calendar years prior to the date the dwelling was acquired, whichever is later).

‘(3) MULTIFAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

‘(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction National Program Requirements (as in effect on either January 1, 2023, or January 1 of two calendar years prior to the date the dwelling was acquired, whichever is later), and

‘(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of two calendar years prior to the date the dwelling was acquired, whichever is later), and

‘(C) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

‘(D) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).

‘(2) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subsection (g) as subsection (h) and by inserting after such subsection the following new subsection:

‘(g) PREVAILING WAGE REQUIREMENT.—

‘(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(A) meeting the prevailing wage requirements of paragraph (2)(A), the credit amount allowed with respect to such residence shall be—

‘(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of section 45L(c)(1)(A) and which does not meet the requirements of subparagraph (B) of such subsection, and

‘(B) $5,000 in the case of a residence which meets the requirements of subsection (c)(1)(B).

‘(2) PREVAILING WAGE REQUIREMENTS.—

‘(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified residence are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such residence shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such residence is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

‘(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45L(d) shall apply.

‘(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other
PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) Pins Vehicle Dollar Limitation.—Section 30D(b) is amended by striking paragraphs (2) and (3) and inserting the following:

“(1) CRITICAL MINERALS REQUIREMENT.—In the case of a vehicle with respect to which the requirement described in subparagraph (A) is satisfied, the amount determined under this paragraph is $3,750.

“(2) BATTERY COMPONENTS.—In the case of a vehicle with respect to which the requirement described in subsection (e)(2)(A) is satisfied, the amount determined under this paragraph is $3,750.

(b) Final Assembly.—Section 30D(d) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by striking “and” at the end,

(B) in subparagraph (F)(ii), by striking the period at the end and inserting “,” and”, and

(C) by adding at the end the following:

“(D) the final assembly of which occurs within North America.”;

(2) by adding at the end the following:

“(5) FINAL ASSEMBLY.—For purposes of paragraph (1)(G), the term ‘final assembly’ means the process by which a manufacturer produces a new clean vehicle at, or through the use at, an assembly facility, or otherwise from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle, except that the vehicle, whether or not the component parts are permanently installed in or on the vehicle.”;

(c) Definition of New Clean Vehicle.—

(1) In general.—Section 30D(c), as amended by the preceding provisions of this section, is amended—

(A) in the heading, by striking “QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR” and inserting “CLEAN”,

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “the battery capacity of the vehicle, or whether or not the component parts are permanently installed in or on the vehicle.”;

(ii) in subparagraph (A), by striking “or” before “manufacturer”;

(iii) in subparagraph (C), by inserting “qualified” before “manufacturer”;

(iv) in subparagraph (E), by striking “and” at the end,

(v) in subparagraph (F), by striking the period at the end and inserting “,” and”, and

(vi) by adding at the end the following:

“‘(1) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number, and

‘(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary of Transportation, the vehicle is not assigned such a number,

‘(iii) the battery capacity of the vehicle,

‘(iv) verification that original use of the vehicle commences with the taxpayer, and

‘(v) a statement by the taxpayer that the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

‘(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

‘(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent,

‘(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent,

‘(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent,

‘(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent,

‘(v) in the case of a vehicle placed in service during calendar year 2027, 80 percent,

‘(vi) in the case of a vehicle placed in service during calendar year 2028, 90 percent,

‘(vii) in the case of a vehicle placed in service during calendar year 2029, 95 percent,

‘(viii) in the case of a vehicle placed in service during calendar year 2030, 100 percent.”;

(2) Conforming Amendments.—Section 30D is amended by striking subsection (e).

(e) Critical Mineral and Battery Component Requirements.—

(1) Critical Minerals Requirement.—

“(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery of such vehicle, the electric motor of such vehicle draws electricity, the percentage of the value of the components contained in such battery that were manufactured or assembled in North America is greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary).

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

“(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 50 percent.

“(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent.

“(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent.

“(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent.

“(v) in the case of a vehicle placed in service during calendar year 2027, 80 percent.

“(vi) in the case of a vehicle placed in service during calendar year 2028, 90 percent.

“(vii) in the case of a vehicle placed in service during calendar year 2029, 95 percent.

“(viii) in the case of a vehicle placed in service during calendar year 2030, 100 percent.”;

(f) Special Rules.—Section 30D(f) is amended by adding at the end the following:

“(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (b) shall be allowed only once with respect to such vehicle, as determined based upon the vehicle identification number of such vehicle.”;

(g) Limitation Based on Modified Adjusted Gross Income.—
“(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any taxable year if—

(i) the lesser of—

(I) the modified adjusted gross income of the taxpayer for such taxable year, or

(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, exceeds—

(i) the threshold amount.

(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(i), the threshold amount shall be—

(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $300,000,

(ii) in the case of a head of household (as defined in section 2(b)), $225,000, and

(iii) in the case of a taxpayer not described in clause (1) or (ii), $150,000.

(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term ‘modified adjusted gross income’ means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

(11) MANUFACTURER’S SUGGESTED RETAIL PRICE LIMITATION.—

(A) IN GENERAL.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer’s suggested retail price in excess of the applicable limitation.

(B) APPLICABLE LIMITATION.—For purposes of subparagraph (A), the applicable limitation for each vehicle classification is as follows:

(i) VANS.—In the case of a van, $80,000.

(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

(iii) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.

(iv) OTHER.—In the case of any other vehicle, $50,000.

(C) REGULATIONS AND GUIDANCE.—For purposes of this paragraph, the Secretary shall prescribe such regulations or other guidance as the Secretary determines necessary for determining vehicle classifications using criteria similar to that employed by the Environmental Protection Agency and the Department of Energy to determine size and class of vehicles.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to eligible entities in an amount equal to the cumulative amount of credits allowed under subsection (a) with respect to any vehicles sold by such eligible entity in such manner as the Secretary may provide.

(2) ADVANCE PAYMENT TO REGISTERED DEALERS.—

(A) IN GENERAL.—The Secretary shall—

(I) establish a program to make advance payments to such eligible entity in an amount equal to the cumulative amount of credits allowed under subsection (a) with respect to any vehicles sold by such entity for which a credit is allowed under subsection (a) for such taxable year,

(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means—

(A) a manufacturer or dealer of new clean vehicles that has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

(3) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2), such payment—

(A) shall not be includable in the gross income of the taxpayer, and

(B) with respect to the dealer, shall not be deductible under this title.

(4) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

(A) the requirements of paragraphs (1) and (2) of paragraph (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowed to such taxpayer,

(B) paragraph (6) of such subsection shall not apply, and

(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification number to the Secretary in such manner as the Secretary may provide.

(5) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under sub-subsection (A) shall be treated in the same manner as if the credit determined in paragraph (1) has been made.

(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6117(d)(6) shall apply for purposes of this paragraph.

(C) TREATMENT OF ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under sub-subsection (A) shall be treated in the same manner as if the credit determined in paragraph (1) has been made.

(8) DEALER.—For purposes of this subsection—

(A) THE TERM ‘DEALER’ means any person who is licensed by a State, the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, any Indian tribal government, or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settle—
section 30D and inserting after the item relating to section 30C the following item:

“Sec. 30D. Clean vehicle credit.”

(3) **GROSS-UP OF DIRECT SPENDING.—**Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any credit allowed to an eligible entity (as defined in section 30D(g)(2)) of the Internal Revenue Code of 1986 pursuant to an election made under section 30D(d)(1) of the Internal Revenue Code of 1986 that is direct spending shall be increased by 6.0445 percent.

(4) **EFFECTIVE DATES.—**

(1) **IN GENERAL.—**Except as provided in paragraphs (2), (3), (4), and (5), the amendments made by this section shall apply to vehicles placed in service after December 31, 2022.

(2) **FINAL ASSEMBLY.—**The amendments made by subsection (b) shall apply to vehicles sold after the date of enactment of this Act.

(3) **PER VEHICLE DOLLAR LIMITATION AND RELATED REQUIREMENTS.—**The amendments made by subsections (a) and (e) shall apply to vehicles placed in service after the date on which the proposed guidance described in paragraph (3)(B) of section 30D(e) of the Internal Revenue Code of 1986 (as added by subsection (e)) is issued by the Secretary of the Treasury (or the Secretary’s delegate).

(4) **TRANSFER OF CREDIT.—**The amendments made by subsection (d) shall apply to vehicles placed in service after December 31, 2023.

(5) **ELIMINATION OF MANUFACTURER LIMITATION.—**The amendment made by subsection (d) shall apply to vehicles sold after December 31, 2022.

(6) **TRANSITION RULE.—**So long as the vehicle has been placed in service on or before the date of enactment of this Act, such vehicle may be treated as having been placed in service on the day before such date.

(7) **CLEAN VEHICLES.—**For purposes of this section, the term “clean vehicle” means a vehicle which—

(A) the model year of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

(B) the original use of which commences with a person who is not the taxpayer,

(C) which is acquired by the taxpayer in a qualified sale, and

(D) which—

(i) meets the requirements of subparagraphs (C), (D), (E), (F), and (H) (except for clause (iv) thereof) of section 30D(d)(1), or

(ii) is a motor vehicle which—

(I) satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

(II) has a gross vehicle weight rating of less than 14,000 pounds.

(8) **QUALIFIED COMMERCIAL CLEAN VEHICLES.**

(a) **IN GENERAL.—**Subpart D of part IV of chapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Previously-owned clean vehicles.

(b) **EFFECTIVE DATE.—**

(1) **IN GENERAL.—**Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) **TRANSFER OF CREDIT.—**The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 134002. CREDIT FOR PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) **IN GENERAL.—**Subpart A of part IV of chapter A of chapter 1 is amended by inserting after section 25D the following new section:

“Sec. 25E. Previously-owned clean vehicles.

(a) **ALLOWANCE OF CREDIT.—**In the case of a qualified buyer who during a taxable year placed in service a previously-owned clean vehicle, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of

(1) $4,000, or

(2) the amount equal to 30 percent of the sale price with respect to such vehicle.

(b) **LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—**

(1) **IN GENERAL.—**No credit shall be allowed under subsection (a) for any taxable year if

(A) the lesser of

(i) the modified adjusted gross income of the taxpayer for such taxable year, or

(ii) the threshold amount determined under this section with respect to any vehicle which has a gross vehicle weight rating of less than 14,000 pounds

is greater than-$4,000, or

(2) the amount equal to the lesser of

(i) the modified adjusted gross income of the taxpayer for the preceding taxable year, or

(ii) the threshold amount determined under this section with respect to any vehicle which has a gross vehicle weight rating of less than 14,000 pounds

(2) **TERMINATION.—**No credit shall be allowed under subsection (a) with respect to any vehicle which—

(A) has been sold after the date of enactment of this Act, or

(B) is placed in service after December 31, 2022.

(c) **TRANSFER OF CREDIT.—**Section 25E, as added by subsection (b), is amended by inserting after “(c)” the following:

“(d) **APPLICATION OF CERTAIN RULES.—**For purposes of this subsection, the term ‘motor vehicle’ and ‘capacity’ have the meaning given such terms in section 30D(d)(1), respectively.

(e) **_VIN NUMBER REQUIREMENT.—**No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

(f) **APPLICATION OF CERTAIN RULES.—**For purposes of this section, the term ‘comparable vehicle’ means, with respect to any qualified commercial clean vehicle, an amount equal to the excess of the purchase price for such vehicle over such price of a comparable commercial vehicle.

(g) **QUALIFIED COMMERCIAL VEHICLE.—**For purposes of this subsection, the term ‘comparable commercial vehicle’ means, with respect to any qualified commercial clean vehicle, any vehicle which has a gross vehicle weight rating of less than 14,000 pounds, and $7,500, and

(1) **IN THE CASE OF A VEHICLE WHICH HAS A GROSS VEHICLE WEIGHT RATING OF LESS THAN 14,000 POUNDS.—**

(A) the lesser of

(i) the threshold amount determined under this section with respect to any vehicle which has a gross vehicle weight rating of less than 14,000 pounds

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

(2) **TRANSFER OF CREDIT.—**Rules similar to the rules of section 30D(g) shall apply.

(c) **CONFORMING AMENDMENTS.—**Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended by—

(1) in subparagraph (B), by striking “and” at the end,

(2) in subparagraph (B), by striking the period at the end and inserting “and”, and

(3) by inserting after subparagraph (B) the following:

“(u) an omission of a correct vehicle identification number required under section 25E(d) (relating to credit for previously-owned clean vehicles) to be included on a return.”

(d) **CLEARING AMENDMENT.—**The table of sections for part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Previously-owned clean vehicles.”

(e) **EFFECTIVE DATE.—**

(1) **IN GENERAL.—**Except as provided in paragraph (2), the amendments made by this section shall apply to vehicles acquired after December 31, 2022.

(2) **TRANSFER OF CREDIT.—**The amendments made by subsection (b) shall apply to vehicles acquired after December 31, 2023.

SEC. 134003. QUALIFIED COMMERCIAL VEHICLES.

(a) **IN GENERAL.—**Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

“Sec. 45W. CREDIT FOR QUALIFIED COMMERCIAL VEHICLES.

(a) **IN GENERAL.—**For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under this Act with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

(b) **PER VEHICLE AMOUNT.—**

(1) **IN GENERAL.—**Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of

(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

(B) the incremental cost of such vehicle.

(2) **INCREMENTAL COST.—**For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable commercial vehicle.

(c) **COMPATIBLE VEHICLE.—**For purposes of this subsection, the term ‘comparable vehicle’ means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine, or

(B) the incremental cost of such vehicle.

(2) **INCREMENTAL COST.—**For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable commercial vehicle.

(3) **QUALIFIED COMMERCIAL VEHICLE.—**For purposes of this subsection, the term ‘qualiﬁed commercial vehicle’ means, with respect to any qualified commercial clean vehicle, any vehicle which has a gross vehicle weight rating of less than 14,000 pounds and $7,500, and

(1) **IN THE CASE OF A VEHICLE WHICH HAS A GROSS VEHICLE WEIGHT RATING OF LESS THAN 14,000 POUNDS.—**

(A) the lesser of

(i) the threshold amount determined under this section with respect to any vehicle which has a gross vehicle weight rating of less than 14,000 pounds

(1) by redesignating subsection (f) as subsection (g), and

(2) by inserting after subsection (e) the following:

(2) **TRANSFER OF CREDIT.—**Rules similar to the rules of section 30D(g) shall apply.”

(c) **CONFORMING AMENDMENTS.—**Section 6213(g)(2), as amended by the preceding provi-
“(2) either—

(A) meets the requirements of subparagraph (D) of section 30D(d)(1) and is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails), or

(B) is mobile machinery, as defined in section 4693(b) (including vehicles that are not designed or intended to perform a function of transporting a load over the public highways),

“(3) either—

(A) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours (or, in the case of a vehicle which has a gross vehicle weight rating exceeding 4,000 pounds, 7 kilowatt hours) and is capable of being recharged from an external source of electricity, or

(B) is a motor vehicle which satisfies the requirements under subparagraphs (A) and (B) of section 30B(b)(3), and

“(4) is of a character subject to the allowance for depreciation.

“(d) Special Rules.—

“(1) In General.—Rules similar to the rules under subsection (f) of section 30D (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

“(2) Vehicles Placed in Service by Tax-Exempt Entitites.—Subsection (c)(4) shall not apply to any property which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (1), (ii), or (iv) of section 168(h)(2)(A).

“(3) No Double Benefit.—No credit shall be allowed under this section with respect to any vehicle for which a credit was allowed under section 30D.

“(e) Wages and Apprenticeship Requirement.—No credit shall be determined under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of the property on the return of tax for the taxable year.

“(f) Regulations and Guidance.—The Secretary shall issue such regulations or other guidance necessary to carry out the purposes of this section, including regulations or other guidance relating to determination of the incremental cost of any qualified commercial clean vehicle.

“(g) Termination.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2012.

“(b) Conforming Amendments.—

“(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking “plus”, and

(B) by adding at the end the following new paragraph:

“(37) the qualified commercial clean vehicle credit determined under section 45W.

“(2) Section 6213(g), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking “and” at the end,

(B) in subparagraph (U), by striking the period at the end and inserting “; plus”, and

(C) by inserting after subparagraph (U) the following:

“(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included on a return.”

“(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

“Sec. 45W. Qualified commercial clean vehicle credit.”

“(c) Effective Date.—The amendments made by this section shall apply to vehicles acquired after December 31, 2032.

“SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT

“(a) In General.—Paragraph (c) of section 45W(a) is amended by striking “December 31, 2021” and inserting “December 31, 2032.”

“(b) Credit for Property of a Character Subject to Depreciation.—

“(1) In General.—Section 30C(a) is amended by inserting “(6 percent in the case of property of a character subject to depreciation)” after “30 percent”.

“(2) Modification of Credit Limitation.—

Subsection (b) of section 30C is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking “with respect to all” and inserting “with respect to any single item of”, and

(ii) by striking “at a location”, and

(B) in paragraph (1), by striking “$30,000 in the case of a property” and inserting “$100,000 in the case of any such item of property”.

“(c) Bi-directional Charging Equipment Included as Qualified Alternative Fuel Vehicle Refueling Property.—For purposes of this section—

“(1) In General.—The term ‘qualified alternative fuel vehicle refueling property’ has the same meaning as the term ‘qualified clean-fuel vehicle refueling property’ would have under section 179A if—

“(A) paragraph (1) of section 179A did not apply to property installed on property which is the principal residence (within the meaning of section 121) of the taxpayer, and

“(B) only the following were treated as clean-burning fuels for purposes of section 179A(d):—

(i)Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen.

(ii)Any mixture—

(1) in which at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.

(iii)Electricity.

“(2) Bi-directional Charging Equipment.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.

“(c) Certain Electric Charging Stations Included as Qualified Alternative Fuel Vehicle Refueling Property.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and by inserting after subsection (e) the following:

“(f) System Rule for Electric Charging Stations for Certain Vehicles With 2 or 3 Wheels.—For purposes of this section—

“(1) In General.—The term ‘qualified alternative fuel vehicle refueling property’ includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

(A) meets the requirements of subsection (a)(2), and

“(B) is of a character subject to depreciation.

“(2) Motor Vehicle.—A motor vehicle is described in this paragraph if the motor vehicle—

(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

(B) has 2 or 3 wheels, and

(C) is propelled by electricity.

“(d) Wage and Apprenticeship Requirements.—Section 30C is amended by this section, is further amended by redesignating subsections (g) and (h) as subsections (h) and (i), and by inserting after subsection (f) the following new subsection (j):

“(g) Wage and Apprenticeship Requirements.—

“(1) Increased Credit Amount.—

(A) In General.—In the case of any qualified alternative fuel vehicle refueling project which satisfies the requirements of subsection (c), the amount of the credit determined under subsection (a) for any qualified alternative fuel vehicle refueling property of a character subject to an allowance for depreciation which is part of such project shall be increased by such amount (without regard to this sentence) multiplied by 5.

“(B) Qualified Alternative Fuel Vehicle Refueling Project.—For purposes of this paragraph, the term ‘qualified alternative fuel vehicle refueling project’ means a project consisting of one or more properties that are part of a single project.

“(2) Prevailing Wages Requirements.—

(A) In General.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of any qualified alternative fuel vehicle refueling property which is part of such project shall be paid prevailing wages at rates equal to the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such project is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

“(B) Correction and Penalty Related to Failure to Satisfy Wage Requirements.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

“(C) Apprenticeship Requirements.—Rules similar to the rules of section 45(b)(8) shall apply.

“(4) Regulations and Guidance.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

“(e) Eligible Census Tracts.—Subsection (c) of section 30C, as amended by subsection (b)(3), is amended by adding at the end the following:

“(3) Property Required to be Located in Eligible Census Tracts.—

“(A) In General.—Property shall not be treated as qualified alternative fuel vehicle credit.
refueling property unless such property is placed in service in an eligible census tract.

“(B) ELIGIBLE CENSUS TRACT.—

“(1) IN GENERAL.—For purposes of this paragraph, an ‘eligible census tract’ means any population census tract which—

“(I) is described in section 45D(e), or

“(II) is not an urban area.

“(2) ELIGIBLE URBAN AREA.—For purposes of clause (1)(II), the term ‘urban area’ means a census tract (as defined by the Bureau of the Census) which, according to the most recent decennial census, has been designated as an urban area by the Secretary of Commerce.’.

(1) EFFECTIVE DATE.—

(2) The amendments made by this subsection shall apply to applications filed after December 31, 2022.

(3) The amendments made by subsection (a) shall apply to property placed in service after December 31, 2021.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITIZATION

SEC. 13501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) APPLICATION REQUIREMENTS.—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary shall require.

“(I) by inserting ‘‘(A) APPLICATION REQUIREMENT .—Each applicant for certification under this subsection shall submit an application at such time and containing such information as the Secretary shall require.’’ after ‘‘(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(II) by inserting ‘‘(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.’’ after ‘‘(B) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(III) by inserting ‘‘(C) REVOCATION OF CERTIFICATION.—The Secretary may revoke a certification under this subsection for cause and to notify the Secretary that such project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.’’ after ‘‘(B) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(IV) by inserting ‘‘(D) LOCATION OF PROJECT.—In the case of an applicant which receives a certification, if the Secretary determines that the project has been placed in service at a location which is materially different than the location specified in the application for such project, the certification shall no longer be valid.’’ after ‘‘(B) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(V) by inserting ‘‘(E) CREDIT RATE CONDITIONED UPON WAGE AND APPRENTICESHIP REQUIREMENTS.—

“(A) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’ after ‘‘(B) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(B) ALTERNATIVE RATE.—In the case of any project which satisfies the requirements of paragraphs (5)(A) and (6), subparagraph (A) shall not apply.’’ after ‘‘(B) BASE RATE.—For purposes of allocations under this subsection, the amount of the credit determined under subsection (a) shall be determined by substituting ‘6 percent’ for ‘3 percent’’;

“(VI) by inserting ‘‘(F) CREDIT LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $6,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.’’ after ‘‘(E) CREDIT LIMITATION.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $6,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.’’;

“(VII) by inserting ‘‘(G) TIME TO MEET CRITERIA FOR CERTIFICATION.—The Secretary shall establish a program to provide grants and loan guarantees to state and local governments to ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor of the taxpayer in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair, in the similar character in the local area in which such project is located as most recently determined by the Secretary of Labor, in accordance with subsection IV of chapter 31 of title 40, United States Code.’’ after ‘‘(F) TIME TO MEET CRITERIA FOR CERTIFICATION.—The Secretary shall establish a program to provide grants and loan guarantees to state and local governments to ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor of the taxpayer in the re-equipping, expansion, or establishment of a manufacturing facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair, in the similar character in the local area in which such project is located as most recently determined by the Secretary of Labor, in accordance with subsection IV of chapter 31 of title 40, United States Code.’’;

“(H) by redesignating subclause (VII) as subclause (VIII),

“(I) by striking subclause (VIII),

“(J) by redesignating subclause (IX) as subclause (X),

“(K) by striking subclause (X) and inserting the following:

“(L) by redesignating paragraph (2) as paragraph (3),

“(M) by striking paragraph (3) and inserting the following:

“(2) ALLOWANCE OF CREDIT.—For purposes of this section, the term ‘‘advanced energy project’’ means any energy storage systems and components, equipment designed to refine, extract, or process materials, equipment designed to reduce greenhouse gas emissions, energy storage systems, and energy storage systems and components, respectively, and energy storage systems and components, equipment designed to refine, extract, or process materials, equipment designed to reduce greenhouse gas emissions, energy storage systems, and energy storage systems and components, respectively.

“(3) UNRELATED PERSON.—A taxpayer shall be treated as selling eligible components to an unrelated person if such component is sold to such person by a person related to such person.

“(4) TRADE OR BUSINESS.—Any eligible component sold by the taxpayer shall be treated as sold to a related person if such component is sold to such person by a person related to such person.

“(5) RELATED PERSON.—Any eligible component sold by a related person shall be treated as sold to the taxpayer if such component is sold to such person by a person related to such person.

“(6) ELECTION.—As a condition of, and in consideration of, receiving a certification under this section, a taxpayer shall be treated as selling eligible components to a related person if such component is sold to such person by a person related to such person.

“(7) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

“SEC. 45X. ADVANCED MANUFACTURING PRODUCTION CREDIT.

“(a) IN GENERAL.—

“(1) ALLOWANCE OF CREDIT.—For purposes of this section, the term ‘‘advanced manufacturing production credit’’ means any credit which is—

“(A) produced by the taxpayer, and

“(B) during the taxable year, sold by such taxpayer to an unrelated person.

“(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

“(3) UNRELATED PERSON.—

“(A) IN GENERAL.—For purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to such person.

“(B) ELECTION.—

“(1) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

“(2) RELATED PERSON.—As a condition of, and in consideration of, receiving a certification under this section, the Secretary may require such information,

“as well as technologies, components, or materials for such vehicles, or’, and

“(J) in clause (IX), as so redesignated, by striking ‘‘and’’ at the end, and

“(K) by striking clause (ii) and inserting the following:

“(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—

“(I) low- or zero-carbon process heat systems,

“(II) carbon capture, transport, utilization and storage systems,

“(III) energy efficiency and reduction in waste from industrial processes, or

“(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary,

“(I) which re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a))).

“(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

“(A) which is necessary for—

“(i) the production or recycling of property described in clause (I),

“(ii) re-equipping an industrial or manufacturing facility described in clause (II), or

“(iii) re-equipping, expanding, or establishing an industrial facility described in clause (III) of such paragraph,”

“(d) DENIAL OF DOUBLE BENEFIT.—Subsection (f), as redesignated by this section, is amended by striking ‘‘or 48B’’ and inserting ‘‘48B, 48E, 45Q, or 45V’’.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.
or registration as the Secretary deems necessary for preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

(b) Credit Amount—

''(1) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection for an eligible component, including any eligible component incorporated, shall be equal to—

''(A) in the case of a thin film photovoltaic cell or a crystalline photovoltaic cell, an amount equal to the product of—

(i) 4 cents, multiplied by

(ii) the capacity of such cell (expressed on a per alternating current watt basis),

''(B) in the case of a photovoltaic wafer, $12 per square meter,

''(C) in the case of solar grade polysilicon, $3 per kilogram,

''(D) in the case of a polymeric backsheet, 40 cents per square meter,

''(E) in the case of a solar module, an amount equal to the product of—

(i) 7 cents, multiplied by

(ii) the capacity of such module (expressed on a per direct current watt basis),

''(F) in the case of a wind energy component—

(i) if such component is a related offshore wind turbine (expressed on a per alternating current basis) amount equal to 10 percent of the sales price of such vessel, and

(ii) if such component is not described in clause (1), an amount equal to the product of—

(I) the applicable amount with respect to such component (as determined under paragraph (2)(A)), multiplied by

(II) the total rated capacity (expressed on a per alternating current basis) of the completed wind turbine for which such component is designed,

''(G) in the case of a torque tube, 87 cents per kilowatt,

''(H) in the case of a structural fastener, $2.28 per kilogram,

''(I) in the case of an inverter, an amount equal to the product of—

(i) the applicable amount with respect to such inverter (as determined under paragraph (3)), multiplied by

(ii) the capacity of such inverter (expressed on a per alternating current watt basis),

''(J) in the case of electrode active materials, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such materials,

''(K) in the case of a battery cell, an amount equal to the product of—

(i) $35, multiplied by

(ii) subject to paragraph (4), the capacity of such battery cell (expressed on a kilowatt-hour basis),

''(L) in the case of a battery module, an amount equal to the product of—

(i) the direct current capacity of a battery module which does not use battery cells, $45, multiplied by

(ii) subject to paragraph (4), the capacity of such battery module (expressed on a kilowatt-hour basis), and

''(M) in the case of any applicable critical mineral, an amount equal to 10 percent of the costs incurred by the taxpayer with respect to production of such mineral.

''(2) APPLICABLE AMOUNTS.—

''(A) WIND ENERGY COMPONENTS.—For purposes of paragraph (1)(A), the applicable amount with respect to any wind energy component shall be—

(i) in the case of a blade, 2 cents,

(ii) in the case of a nacelle, 5 cents,

(iii) in the case of a tower, 3 cents, and

(iv) in the case of an offshore wind foundation,

(A) which uses a fixed platform, 2 cents, or

(B) which uses a floating platform, 4 cents.

''(B) INVERTERS.—For purposes of paragraph (1)(B), the applicable amount with respect to any inverter shall be—

(i) in the case of a central inverter, 0.25 cents,

(ii) in the case of a utility inverter, 1.5 cents,

(iii) in the case of a commercial inverter, 2 cents,

(iv) in the case of a residential inverter, 6.5 cents, and

(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

''(C) PHASE OUT.—

''(A) IN GENERAL.—Subject to subparagraph (C), in the case of any eligible component sold after December 31, 2020, the amount determined under this subsection with respect to such component shall be equal to the product of—

(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by

(ii) the phase out percentage under subparagraph (B).

''(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—

(i) in the case of an eligible component sold during calendar year 2020, 75 percent,

(ii) in the case of an eligible component sold during calendar year 2022, 60 percent,

(iii) in the case of an eligible component sold during calendar year 2023, 25 percent,

(iv) in the case of an eligible component sold after December 31, 2022, 0 percent.

''(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, this paragraph shall not apply.

''(D) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

''(A) IN GENERAL.—For purposes of subparagraph (B), the capacity determined under either such sub-paragraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

''(B) CAPACITY-TO-POWER RATIO.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module.

''(E) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE COMPONENT.—

''(A) IN GENERAL.—The term 'eligible component' means—

(i) any solar energy component,

(ii) any wind energy component,

(iii) any inverter described in subparagraphs (B) through (G) of paragraph (1),

(iv) any qualifying battery component, and

(v) any applicable critical mineral.

''(B) APPLICABLE OTHER CREDITS.—The term 'eligible component' shall not include any property which is produced at a facility which is taken into account for purposes of the credit allowed under section 48C after the date of the enactment of this section.

''(2) INVERTERS.—

''(A) IN GENERAL.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar panels or certified distributed wind energy systems into alternating current electricity.

''(B) CENTRAL INVERTER.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(C) COMMERCIAL INVERTER.—The term 'commercial inverter' means an inverter which—

(i) is suitable for commercial or utility-scale applications,

(ii) it has a rated output of 208, 480, 600, or 800 volt three-phase power, and

(iii) it has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

''(D) DISTRIBUTED WIND INVERTER.—

''(I) IN GENERAL.—The term 'distributed wind inverter' means an inverter which—

(i) is in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

(ii) has a rated output of not greater than 150 kilowatts.

''(II) CERTIFIED DISTRIBUTED WIND ENERGY SYSTEM.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification agency to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

''(E) MICROINVERTER.—The term 'micro-inverter' means an inverter which—

(i) is suitable to connect with one solar module,

(ii) has a rated output of—

(I) 120 or 240 volt single-phase power, or

(ii) 208 or 480 volt three-phase power, and

(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

''(F) RESIDENTIAL INVERTER.—The term 'residential inverter' means an inverter which—

(i) is suitable for a residence,

(ii) it has a rated output of 120 or 240 volt single-phase power, and

(iii) it has a capacity which is not greater than 20 kilowatts (expressed on a per alternating current watt basis).

''(G) UTILITY INVERTER.—The term 'utility inverter' means an inverter which—

(i) is suitable for commercial or utility-scale systems,

(ii) has a rated output of not less than 600 volt three-phase power, and

(iii) it has a capacity which is greater than 125 kilowatts and not greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

''(H) SOLAR ENERGY COMPONENT.—

''(I) IN GENERAL.—The term 'solar energy component' means any of the following:

(i) Solar modules.

(ii) Photovoltaic cells.

(iii) Photovoltaic wafers.

(iv) Solar grade polysilicon.

(v) Torque tubes or structural fasteners.

(vi) Polymeric backsheets.

''(J) ASSOCIATED COMPONENTS.—

(i) PHOTOVOLTAIC CELL.—The term 'photo- voltaic cell' means the smallest semiconductor element of a solar module which performs an immediate conversion of light into electricity.

(ii) PHOTOVOLTAIC WAFER.—The term 'photo- voltaic wafer' means a thin slice, sheet, or tape of semiconductor material of at least 200 square centimeters—

(i) produced by a single manufacturer either directly from molten or evaporated solar grade polysilicon or deposition of solar grade thin film semiconductor photon absorber layer, or

(ii) through formation of an ingot from molten polysilicon and subsequent slicing, and
"(II) which comprises the substrate or absorber layer of one or more photovoltaic cells.

"(iii) POLYMERIC BACKSHEET.—The term ‘(polymeric backsheet)’ means a sheet on the back of a solar module which acts as an electric insulator and protects the inner components of such module from the surrounding environment.

"(iv) SOLAR GRADE POLYSILICON.—The term ‘solar grade polysilicon’ means silicon which—

(1) is suitable for use in photovoltaic manufacturing, and

(2) is purified to a minimum purity of 99.999999 percent silicon by mass.

"(v) TOWER.—The term ‘tower’ means the connection and lamination of photovoltaic cells into an environmentally protected final assembly which is—

(1) suitable to generate electricity when exposed to sunlight, and

(2) ready for installation without an additional manufacturing process.

"(vi) SOLAR TRACKER.—The term ‘solar tracker’ means a mechanical system that moves solar modules according to the position of the sun and to increase energy output.

"(viii) SOLAR TRACKER COMPONENTS.—

(1) STRUCTURAL FASTENER.—The term ‘structural fastener’ means a component which is used—

(a) to connect the mechanical and drive system components of a solar tracker to the foundation of such solar tracker,

(b) to connect torque tubes to drive assemblies, or

(c) to connect segments of torque tubes to one another.

(2) WIND ENERGY COMPONENT.—

(A) IN GENERAL.—The term ‘wind energy component’ means any of the following:

(1) Blades.

(ii) Nacelles.

(iii) Towers.

(iv) Offshore wind foundations.

(v) Related offshore wind vessels.

(B) ASSOCIATED DEFINITIONS.—

(i) BLADE.—The term ‘blade’ means an airfoil shaped component which is responsible for converting wind energy to low-speed rotational energy.

(ii) OFFSHORE WIND FOUNDATION.—The term ‘offshore wind foundation’ means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor.

(1) fixed platforms, such as offshore wind monopoles, jackets, or gravity-based foundations, or

(2) floating platforms and associated mooring systems.

(2) NACELLE.—The term ‘nacelle’ means the assembly of the drivetrain and other tower mounted components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

(4) RELATED OFFSHORE WIND VESSEL.—The term ‘related offshore wind vessel’ means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

(v) TOWER.—The term ‘tower’ means a tubular or lattice structure which supports the nacelle and rotational components of a wind turbine.

(vi) QUALIFYING BATTERY COMPONENT.—

(A) IN GENERAL.—The term ‘qualifying battery component’ means any of the following:

(1) Electrode active materials.

(ii) Battery cells.

(iii) Battery modules.

(B) ASSOCIATED DEFINITIONS.—

(i) ELECTRODE ACTIVE MATERIAL.—The term ‘electrode active material’ means cathode active materials, anode active materials, anode foils, and electrochemically active materials, including solvents, additives, and electrolyte salts that contribute to the electrochemical processes necessary for energy storage.

(ii) BATTERY CELL.—The term ‘battery cell’ means an electrochemical cell—

(i) comprised of 1 or more positive electrodes and 1 or more negative electrodes.

(ii) with an energy density of not less than 100 watt-hours per liter, and

(iii) capable of storing at least 12 watt-hours of energy.

(iii) BATTERY MODULE.—The term ‘battery module’ means a module—

(1)(aa) in the case of a module using battery cells, with or without solar tracker, and

(bb) with no battery cells, and

(ii) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

(6) APPLICABLE CRITICAL MINERALS.—The term ‘applicable critical mineral’ means any of the following:

(A) ALUMINUM.—Aluminum which is—

(i) converted from bauxite to a minimum purity of 99 percent alumina by mass, or

(ii) purified to a minimum purity of 99.9 percent aluminum by mass.

(B) ANTIMONY.—Antimony which is—

(i) converted to antimony trisulfide concentrate with a minimum purity of 90 percent antimony trisulfide by mass, or

(ii) purified to a minimum purity of 99.65 percent antimony by mass.

(C) BERYLLIUM.—Beryllium which is—

(i) converted to beryllium fluoride, or

(ii) purified to a minimum purity of 99 percent beryllium by mass.

(D) BERMALIUM.—Bermalium which is—

(i) converted to lanthanum fluoride, or

(ii) purified to a minimum purity of 99 percent bermalium by mass.

(E) BISMUTH.—Bismuth which is—

(i) converted to bismuth trifluoride, or

(ii) purified to a minimum purity of 99 percent bismuth by mass.

(F) CERIUM.—Cerium which is—

(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium by mass, or

(ii) purified to a minimum purity of 99 percent cerium by mass.

(G) CHROMIUM.—Chromium which is—

(i) converted to chromium, or

(ii) purified to a minimum purity of 99 percent chromium by mass.

(H) CHROMIUM OXIDE.—Chromium oxide which is—

(i) converted to cerium oxide which is purified to a minimum purity of 99.9 percent cerium by mass, or

(ii) purified to a minimum purity of 99 percent cerium oxide by mass.

(I) CERIUM.—Cerium which is—

(i) converted to cerium oxide or cerium carbonate, or

(ii) purified to a minimum purity of 99 percent cerium oxide by mass.

(J) EUROPUM.—Europium which is—

(i) converted to europium oxide which is purified to a minimum purity of 99.9 percent europium oxide by mass, or

(ii) purified to a minimum purity of 99 percent europium oxide by mass.

(K) FLUORSPAR.—Fluorspar which is—

(i) converted to fluorspar which is purified to a minimum purity of 97 percent calcium fluoride by mass, or

(ii) purified to a minimum purity of 99 percent fluorspar by mass.

(L) GDOS.—Gadolinium which is—

(i) converted to gadolinium oxide which is purified to a minimum purity of 99.9 percent gadolinium oxide by mass, or

(ii) purified to a minimum purity of 99 percent gadolinium by mass.

(M) GERMANIUM.—Germanium which is—

(i) converted to germanium tetrachloride, or

(ii) purified to a minimum purity of 99.99 percent germanium by mass.

(N) GRAPHITE.—Graphite which is purified to a minimum purity of 99.9 percent graphite by mass.

(O) INDUM.—Indium which is—

(i) converted to indium oxide, or

(ii) purified to a minimum purity of 99 percent indium by mass.

(P) LITHIUM.—Lithium which is—

(i) converted to lithium carbonate or lithium hydroxide, or

(ii) purified to a minimum purity of 99.9 percent lithium by mass.

(Q) MANGANESE.—Manganese which is—

(i) converted to manganese sulphate, or

(ii) purified to a minimum purity of 99.7 percent manganese by mass.

(R) NEODYM.—Neodymium which is—

(i) converted to neodymium-praseodymium oxide which is purified to a minimum purity of 99.6 percent neodymium-praseodymium oxide by mass,

(ii) converted to neodymium oxide which is purified to a minimum purity of 98.5 percent neodymium oxide by mass,

(iii) purified to a minimum purity of 99.9 percent neodymium oxide by mass.

(S) NICKEL.—Nickel which is—

(i) converted to nickel sulphate, or

(ii) purified to a minimum purity of 99 percent nickel by mass.

(T) NIOBIUM.—Niobium which is—

(i) converted to niobium fluoride, or

(ii) purified to a minimum purity of 99 percent niobium by mass.

(U) TELLURIUM.—Tellurium which is—

(i) converted to cadmium telluride, or

(ii) purified to a minimum purity of 99 percent tellurium by mass.

(V) TIN.—Tin which is purified to low alpha emitting tin which—

(i) has a purity of greater than 99.99 percent by mass, and

(ii) possesses an alpha emission rate of not greater than 0.01 counts per hour per centimeter square.

(W) TUNGSTEN.—Tungsten which is converted to tungsten trioxide or to ferrotungsten.

(X) VANADIUM.—Vanadium which is converted to ferrovanadium or vanadium pentoxide.

(Y) YTTRIUM.—Yttrium which is—

(i) converted to yttrium oxide which is purified to a minimum purity of 99.99 percent yttrium oxide by mass, or

(ii) purified to a minimum purity of 99 percent yttrium oxide by mass.

(Z) OTHER MINERALS.—Any of the following minerals, provided that such mineral is purified to a minimum purity of 99 percent by mass:
(vi) Magnesium.

(x) Palladium.

(xi) Platinum.

(xii) Scandium.

(xiii) Tantalum.

(xiv) Terbium.

(xv) Thulium.

(xvi) Titaniu.

(xvii) Ytterbium.

(xviii) Zirconium.

(2) Special Rules.—In this section—

(1) Related Persons.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

(2) Only Production in the United States Taken into Account.—Sales shall be taken into account under this section only with respect to eligible components the production of which is within—

(A) the United States (within the meaning of section 638(1)), or

(B) a possession of the United States (within the meaning of section 638(2)),

(3) Pass-Through in the Case of Estates and Trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

(4) Sale of Integrated Components.—For purposes of this section, a person shall be treated as having sold an eligible component which is not described in clause (i) or (ii) of section 236(7), in the case of any qualified facility which is owned and operated by an unrelated person which is equipped with a metering device the product of which is sold by the taxpayer to an unrelated person.

(a) Adjustments for Inflation.—

(i) In General.—In the case of a calendar year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year determined by subtracting ‘calendar year 2022’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

(b) Authority for Advances.—Section 9507(d)(3) is amended by striking ‘December 31, 2016’ and inserting ‘December 31, 2023’.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2023.

PART 7.—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

SEC. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

(1) Amount of Credit.—

(i) In General.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

(A) the kilowatt hours of electricity—

(1) produced by the taxpayer at a qualified facility, and

(2)(A) sold by the taxpayer to an unrelated person, or

(B) the applicable amount with respect to such qualified facility.

(ii) Provisional Emissions Rate.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer which owns such facility may file a petition with the Secretary for the determination of the emissions rate with respect to such facility.

(d) Carbon Capture and Sequestration Equipment.—For purposes of this subsection, the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO₂ per KWh.

(2) Adjustment for Inflation.—

(i) In General.—In the case of a calendar year beginning after 2023, the 0.3 cent amount in paragraph (2)(A) of subsection (a) and the 1.5 cent amount in paragraph (2)(B) of such subsection shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale, consumption, or storage of the electricity occurs. If the 0.3 cent amount is increased under paragraph (2)(A) by a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent.
If the 1.5 cent amount as increased under this paragraph is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

(b) COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

(3) INFLATION ADJUSTMENT FACTOR.—The term ‘inflation adjustment factor’ means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term ‘GDP implicit price deflator’ means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

(d) CREDIT PHASE-OUT.

(1) IN GENERAL.—The amount of the clean electricity production credit under subsection (a) for any qualified facility the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

(B) the phase-out percentage under paragraph (2).

(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

(A) for a facility the construction of which begins during the first calendar year following the applicable year, 100 percent,

(B) for a facility the construction of which begins during the second calendar year following the applicable year, 75 percent,

(C) for a facility the construction of which begins during the third calendar year following the applicable year, 50 percent, and

(D) for a facility the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

(3) APPLICABLE YEAR.—For purposes of this subsection, the term ‘applicable year’ means the later of—

(A) the calendar year in which the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

(B) 2022.

(e) DEFINITIONS.—For purposes of this section:

(1) CO₂ PER KWH.—The term ‘CO₂ per KWH’ means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined under section 45(b)(9)) per kilowatt hour of electricity produced.

(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ has the same meaning given such term under section 211(q)(1)(G) of the Clean Air Act (42 U.S.C. 7545(q)(1)(G)), as in effect on the date of the enactment of this section.

(3) QUALIFIED CARBON DIOXIDE.—The term ‘qualified carbon dioxide’ means the carbon dioxide captured from an industrial source which—

(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas,

(B) is measured at the source of capture and verified at the point of disposal or utilization of the facility in which the carbon dioxide is captured and disposed or utilized within the United States (within the meaning of section 63(b)(1) or a possession of the United States (within the meaning of section 63(b)(2)),

(C) the Secretary determines that the annual greenhouse gas emissions from the production of electricity in the United States for calendar year 2022, or

(D) 2022.

(3) COMBINED HEAT AND POWER PROPERTY.—

(A) IN GENERAL.—For purposes of subsection (a)—

(i) the kilowatt hours of electricity produced by a taxpayer at a qualified facility shall include any production in the form of useful thermal energy by any combined heat and power system property within such facility, and

(ii) the amount of greenhouse gases emitted into the atmosphere by such facility in the production of such useful thermal energy shall be included for purposes of determining the greenhouse gas emissions rate for such facility.

(B) COMBINED HEAT AND POWER SYSTEM PROPERTY.—For purposes of this paragraph, the term ‘combined heat and power system property’ has the same meaning given such term by section 48(c)(3) (without regard to subparagraphs (A)(iv), (B), and (D) thereof).

(4) CONVERSION FROM BTU TO KWH.—

(A) IN GENERAL.—For purposes of subparagraph (A)(i), the amount of kilowatt hours of electricity produced in the form of useful thermal energy shall be equal to the quotient of—

(i) the total useful thermal energy produced by the combined heat and power system property within the qualified facility, divided by

(ii) the heat rate for such facility.

(B) HEAT RATE.—For purposes of this subparagraph, the term ‘heat rate’ means the amount of energy used by the qualified facility to generate 1 kilowatt hour of electric energy, expressed in thermal units per net kilowatt hour generated.

(5) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a qualified facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

(6) RELATED PERSONS.—Persons shall be treated as related persons if each such person—

(A) is a member of an affiliated group of corporations described in section 1361(b)(1) (without regard to section 1361(b)(2)), or

(B) an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

(7) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, the rules of subsection (d) of section 62 shall apply.

(8) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

(A) In General.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by the patrons during the taxable year.

(ii) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to any patrons under paragraph (A)—

(i) shall not be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the period (as defined in section 1382(d)) for the taxable year of the organization or, if earlier, for the tax year of each patron ending on or after the date on which the patron receives notice from the cooperative of the apportionment.

(B) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term ‘eligible cooperative’ means a cooperative organization described in section 1381(a) which is organized for the purpose of purchasing electricity from producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(7) INCREASE IN CREDIT IN ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under subsection (a) with respect to any electricity produced by the taxpayer at such facility during the taxable year, the applicable amount under paragraph (2) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such paragraph.

(8) CRédIT REDuced FOR TAx-EXEMPT BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

(9) TRAncY RqUIrieMENTs.—Rules similar to the rules of section 45(b)(7) shall apply.

(10) APPRENTICESHIP REQUIREMENTS.—

(11) DOMESTIC CONTENT BONUS CREDIT AMOUNT.—

(A) IN GENERAL.—In the case of any qualified facility which satisfies the requirements under subparagraph (B)(i), the amount of the credit determined under subsection (a) shall
be increased by an amount equal to 10 per cent of the amount so determined (as determined without application of paragraph (7)).

"(B) REQUIREMENTS.—

"(i) QUALIFIED FACILITIES.—The requirement described in this subclause is satisfied with respect to any qualified facility if the taxpayer certifies to the Secretary (at such time, and in such manner, as the Secretary may prescribe) that any steel, iron, or manufactured product which is a component of such facility upon completion of construction and is produced in the United States (as determined under section 661 of title 49, Code of Federal Regulations).

"(ii) MADE IN THE UNITED STATES.—In the case of steel or iron, clause (i) shall be applied in a manner consistent with section 661.5 of title 49, Code of Federal Regulations.

"(C) MANUFACTURED PRODUCT.—For purposes of clause (i), the manufactured products which are components of a qualified facility upon completion of construction shall be deemed to have been produced in the United States if not less than the adjusted percentage (as determined without subparagraph (C)) of the total costs of all such manufactured products which are attributable to manufactured products (including components) which are mined, produced, or manufactured in the United States.

"(D) ADJUSTED PERCENTAGE.—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B)(iii), the adjusted percentage shall be—

"(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent,

"(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 45 percent,

"(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 50 percent, and

"(IV) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

"(ii) OFFSHORE WIND FACILITY.—For purposes of subparagraph (B)(iii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

"(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

"(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2026, 27.5 percent,

"(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 35 percent,

"(IV) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2028, 45 percent, and

"(V) in the case of a facility the construction of which begins after December 31, 2027, 55 percent.

"(E) PHASED DOMESTIC CONTENT REQUIREMENT.—Subject to subparagraph (D), in the case of any qualified facility which is not described in subparagraph (B), the applicable percentage shall be—

"(i) if construction of such facility began before January 1, 2025, 40 percent,

"(ii) if construction of such facility began in calendar year 2025, 45 percent,

"(iii) if construction of such facility began in calendar year 2026, 50 percent, and

"(iv) if construction of such facility began after December 31, 2026, 55 percent.

"(F) EXCEPTION.—

"(i) BASE RATE.—In the case of any energy storage technology which is not described in subparagraph (I) or (II) of clause (ii) and does not satisfy the requirements described in subparagraph (III) of such clause, the applicable percentage shall be 6 percent.

"(ii) ALTERNATIVE RATE.—In the case of any energy storage technology—

"(I) with a capacity of less than 1 megawatt,

"(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

"(III) which—

"(aa) satisfies the requirements of subsection (d)(3), and

"(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

"(G) INCREASE IN CREDIT RATE IN CERTAIN CASES.—

"(I) ENERGY COMMUNITIES.—

"(ii) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service within an energy community (as defined in section 45(b)(11)(B)), for purposes of applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

"(ii) ALTERNATIVE CREDIT RATE INCREASE.—

"(A) IN GENERAL.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

"(I) in the case of a qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

"(II) in the case of a qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

"(B) DOMESTIC CONTENT.—Rules similar to the rules of section 46(a)(12) shall apply.

"(H) QUALIFIED INVESTMENT CREDIT WITH RESPECT TO A QUALIFIED FACILITY.—

"(i) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

"(I) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

"(II) the amount of any expenditures which are—

"(aa) paid or incurred by the taxpayer for qualified interconnection property—

"(I) in connection with a qualified facility which has a maximum net output of not less than 1 megawatt (as measured in alternating current), and

"(II) placed in service during the taxable year of the taxpayer, and

"(bb) properly chargeable to capital account of the taxpayer.

"(2) QUALIFIED PROPERTY.—For purposes of this section, the term 'qualified property' means property—

"(A) which is—

"(i) tangible personal property,
(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility.

(B) (As determined in paragraph (a) as determined in paragraph (a) with respect to which depreciation or amortization in lieu of depreciation is allowable, and

(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer,

(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer.

(3) QUALIFIED FACILITY.—

(A) IN GENERAL.—For purposes of this section, the term ‘qualified facility’ means a facility—

(i) which is used for the generation of electricity, and

(ii) which is placed in service after December 31, 2024, and

(iii) for which the anticipated greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

(B) ADDITIONAL RULES.—

(i) EXPANSION OF FACILITY; INCREMENTAL PRODUCTION.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

(ii) GREENHOUSE GAS EMISSIONS RATE.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

(iii) EXCLUSION.—The term ‘qualified facility’ shall not include any facility for which—

(A) the electricity production credit determined under section 45,

(B) the investment credit determined under section 45,

(C) the environmental justice capacity limitation allocated to such facility, bears to

(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

(2) APPLICABLE FACILITY.—For purposes of this subsection—

(A) IN GENERAL.—The term ‘applicable facility’ means any qualified facility—

(i) which is not described in section 45Y(b)(2)(B),

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2501(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

(3) QUALIFIED INVESTMENT.—A facility shall be treated as part of a qualified low-income residential building project.

(4) COORDINATION WITH REHABILITATION INVESTMENT CREDIT.—For purposes of this paragraph, the term qualified investment property has the meaning given such term in section 48(a)(8).

(5) C OORDINATION WITH REHABILITATION INVESTMENT CREDIT.—

(A) IN GENERAL.—For purposes of this paragraph, the term ‘qualified investment property’ has the meaning given such term in section 48(a)(8).

(B) DOMESTIC CONTENT REQUIREMENT FOR REHABILITATION INVESTMENT CREDIT.—Rules similar to the rules of section 45(b)(8) shall apply with respect to any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

(A) the amount of the credit determined under subparagraph (a) without regard to any applicable facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, and

(B) the phase-out percentage under paragraph (2).

(2) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 5 percent, and

(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 10 percent, and

(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the third calendar year following the applicable year, 15 percent.

(i) REAPPLICATION OF CREDIT.—For purposes of subsection (a), the term ‘applicable facility’ shall have the meaning given such term in section 48(a)(8).

(ii) REAPPLICATION OF CREDIT.—For purposes of this subsection, the term ‘applicable property’ has the meaning given such term under section 45Y(e)(2).

(iii) RECAPTURE OF CREDIT.—For purposes of section 45, if the Secretary determines that the greenhouse gas emissions rate for a facility is greater than 10 megawatts, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

(b) SPECIAL RULES FOR CERTAIN FACILITIES.—

(a) GENERAL.—In the case of any applicable facility with respect to which the Secretary makes an allocation of environmental justice capacity limitation under paragraph (b)(1), the applicable percentage otherwise determined under paragraph (b)(2) with respect to any eligible property which is part of such facility shall be increased by—

(i) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii) and not described in subclause (II) of such paragraph, 10 percentage points, and

(ii) in the case of a facility described in subclause (II) of paragraph (2)(A)(iii), 20 percentage points, and

(B) the increase in the credit determined under paragraph (a) by reason of this subsection for any taxable year with respect to all property which is part of such facility shall not exceed the amount which bears the same ratio to the amount which would otherwise be increased (determined without regard to this subparagraph) as—

(i) the environmental justice capacity limitation allocated to such facility, bears to

(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

(c) APPLICABLE FACILITY.—For purposes of this subsection—

(A) IN GENERAL.—The term ‘applicable facility’ means any qualified facility—

(i) which is not described in section 45Y(b)(2)(B),

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2501(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

(2) APPLICABLE FACILITY.—For purposes of this subsection—

(A) IN GENERAL.—The term ‘applicable facility’ means any qualified facility—

(i) which is not described in section 45Y(b)(2)(B),

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2501(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

(3) APPLICABLE FACILITY.—For purposes of this subsection—

(A) IN GENERAL.—The term ‘applicable facility’ means any qualified facility—

(i) which is not described in section 45Y(b)(2)(B),

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2501(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

(4) APPLICABLE FACILITY.—

(A) IN GENERAL.—The term ‘applicable facility’ means any qualified facility—

(i) which is not described in section 45Y(b)(2)(B),

(ii) which has a maximum net output of less than 5 megawatts (as measured in alternating current), and

(iii) which is located in a low-income community (as defined in section 45D(e)) or on Indian land (as defined in section 2501(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))), or

(5) C OORDINATION WITH REHABILITATION INVESTMENT CREDIT.—For purposes of this paragraph, the term ‘qualified investment property’ has the meaning given such term in section 48(a)(8).
of multiple projects in a single application if such projects will be placed in service by a single taxpayer.

"(B) LIMITATION.—The amount of environmental justice capacity limitation allocated by the Secretary under subparagraph (A) during any calendar year shall not exceed the annual capacity limitation with respect to such facility by more than once with respect to any facility.

"(C) ANNUAL CAPACITY LIMITATION.—For purposes of this paragraph, the term ‘annual capacity limitation’ means 1.6 gigawatts of direct current capacity for each calendar year during the period beginning on January 1, 2025, and ending on December 31 of the applicable year (as defined in section 45Y(d)(3)), and zero thereafter.

"(D) CARRYOVER OF UNUSED LIMITATION.—

"(i) IN GENERAL.—If the annual capacity limitation for any calendar year exceeds the aggregate amount allocated for such year under this paragraph, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried forward under the preceding sentence to any calendar year after the third calendar year following the applicable year (as defined in section 45Y(d)(3)).

"(ii) MAINTENANCE OF LIMITATION.—If the annual capacity limitation for calendar year 2024 under section 48(e)(4)(D) exceeds the aggregate amount allocated for such year under such section, such excess amount may be carried over and applied to the annual capacity limitation under this subsection for calendar year 2025. The annual capacity limitation for calendar year 2025 shall be increased by the amount of such excess.

"(E) PLACED IN SERVICE DEADLINE.—

"(i) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation with respect to the facility to which such property is a part.

"(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year subject to the limitation imposed by the last sentence of such subparagraph.

"(F) EFFECTIVE DATE.—The Secretary shall, by regulations or other guidance, provide for reserving the benefit of any increase in the credit allowed under subsection (a) by reason of this subsection with respect to any property which is a qualified facility eligible for such increase (but which does not cease to be investment credit property within the meaning of section 59(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

"(G) GUIDANCE.—Not later than January 1, 2025, the Secretary shall issue guidance regarding implementation of this section.

(b) CONFORMING AMENDMENTS.—

(1) In section 46, amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) in paragraph (5), by striking ‘‘and’’ at the end,

(B) in paragraph (6), by striking the period at the end and inserting ‘‘, and’’, and

(C) by adding at the end the following:

"(7) the clean electricity investment credit.

"(2) Section 49(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(A) by striking ‘‘and’’ at the end of clause (v),

(B) by striking the period at the end of clause (vi) and inserting ‘‘, and’’, and

(C) by adding at the end the following new clauses:

‘‘(vii) the basis of any qualified property which is a qualified facility under section 48E, and

‘‘(viii) the basis of any energy storage technology under section 48E.’’

(3) Section 50(a) as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ‘‘or 48(d)(5)’’ and inserting ‘‘48(d)(5), or 48E(e)’’.

(4) Section 50(c)(3) is amended by inserting ‘‘(or clean electricity investment credit’’ after ‘‘‘In the case of any energy credit’’.

(5) The table of sections for part IV of chapter 1 of title 26, as amended by section 107(d) of the CHIPS Act of 2022, is amended by adding after the item relating to section 48d the following new item:

‘‘48E. Clean electricity investment credit.’’

(c) E FFECTIVE DATE.—The amendments made by this section shall apply to property for which the election to claim the credit is made by the due date prescribed for such election for the taxable year in which such credit begins to accrue.

"(d) EMISSIONS FACTORS.—

"(1) IN GENERAL.—Paragraph (1) shall not be applied—

(A) in clause (vii)(III), by striking ‘‘and’’ at the end,

(B) in clause (vii), by striking the period at the end and inserting ‘‘, and’’, and

(C) by inserting after clause (vii) the following:

‘‘(viii) the basis of any qualified facility which is a qualified facility under section 48E, and

‘‘(ix) the basis of any energy storage technology under section 48E.’’

(2) For purposes of this paragraph, the term ‘‘emissions factor’’ means the amount of greenhouse gas emissions expressed as a function of energy output to the electrical grid, as defined in section 48E(e)(1)(H).

(3) The term ‘‘greenhouse gas emissions’’ means greenhouse gas emissions as defined in section 48E(e)(1)(H).

(4) The term ‘‘energy storage technology’’ means a qualified energy storage technology as defined in section 48E(e)(2).

(5) The Secretary shall, by regulations or other guidance, provide for prescribing the energy output to be used in determining the emissions factor, as prescribed in paragraph (3). A prescribed emissions factor is subject to being modified by the Secretary, after consulting with stakeholders, in a manner consistent with section 48E(e)(1)(H).

"(e) C ALCULATION.—

"(1) IN GENERAL.—The emissions factor of a qualified facility shall be determined under subsection (c).

"(2) APPLICABLE AMOUNT.—

(A) BASE AMOUNT.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

(B) EMISSIONS FACTOR.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (f), the applicable amount shall be $1.00.

"(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUELS.—

"(A) IN GENERAL.—In the case of a transportation fuel which is a sustainable aviation fuel, paragraph (2) shall be applied—

(i) in the case of fuel produced at a qualified facility described in paragraph (2)(A), by substituting ‘‘35 cents’’ for ‘‘20 cents’’, and

(ii) in the case of fuel produced at a qualified facility described in paragraph (2)(B), by substituting ‘‘$1.75’’ for ‘‘$1.00’’.

"(B) SUSTAINABLE AVIATION FUEL.—For purposes of this subparagraph (A), the term ‘sustainable aviation fuel’ means liquid fuel, the production of which is not derived from palm fatty acid distillates or petroleum.

"(i) the Fischer Tropsch processes of ASTM International Standard D7566, or

(ii) the Fischer Tropsch processes of ASTM International Standard D1655, Annex A1, and

(iii) is not derived from palm fatty acid distillates or petroleum.

"(4) SALE.—For purposes of paragraph (1), the transportation fuel is sold in a manner described in paragraph (9) if such fuel is sold by the taxpayer to an unrelated person.

"(A) for use by such person in the production of a fuel mixture,

(B) for use by such person in a trade or business, or

(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

"(5) BOUNDARY.—If any amount determined under paragraph (1) is not a multiple of 1 cent, such amount shall be rounded to the nearest cent.

"(b) EMISSIONS FACTORS.—

"(1) EMISSIONS FACTOR.—

(A) CALCULATION.—

(i) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

(I) the amount equal to—

(aa) 50 kilograms of CO$_{2}$e per mmBTU, minus

(bb) the emissions rate for such fuel, divided by

(ii) 50 kilograms of CO$_{2}$e per mmBTU.

"(B) ESTABLISHMENT OF EMISSIONS RATE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall, by regulations, establish a table which sets forth the emissions rate for similar types and categories of transportation fuels based on the amount of greenhouse gas emissions (as described in section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section) for such fuels, expressed as kilograms of CO$_{2}$e per mmBTU, which a taxpayer shall use for purposes of this section.

"(ii) NON-AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse house gas emissions of such fuel shall be based on the most recent determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

"(iii) AVIATION FUEL.—In the case of any transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

(i) the most recent Carbon Offsetting and Reduction Scheme for International Avia-
(II) any similar methodology which satisfies the criteria under section 2110(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of enactment of this section.

(3) ROUNDED OF EMISSIONS RATE.—

(a) In general.—Subject to clause (ii), the Secretary may round the emissions rates under subparagraph (B) to the nearest multiple of 5 kilograms of CO\textsubscript{2} per mmBTU.

(b) Exception.—In the case of an emissions rate that is between 2.5 kilograms of CO\textsubscript{2} per mmBTU and 2.5 kilograms of CO\textsubscript{2} per mmBTU, the Secretary may round such rate to zero.

(4) SPECIAL RULES.—

(a) Only registered production in the United States taken into account.—

(A) In general.—No clean fuel production credit shall be determined under subsection (a) with respect to any transportation fuel unless—

(1) the taxpayer—

(A) is registered as a producer of clean fuel under section 4101 at the time of production, and

(B) in the case of any transportation fuel which is a sustainable aviation fuel, provides—

(aa) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

(AA) any general requirements, supply chain traceability requirements, and information transmission requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in subsection (b)(1)(B)(i), or

(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

(ii) such fuel is produced in the United States.

(B) United States.—For purposes of this paragraph, the term ‘United States’ includes any possession of the United States.

(5) Allocation of credit to patrons of charitable organizations filing a consolidated return.—

(A) In general.—No clean fuel production credit under section 45(b)(7) shall apply to any applicable credit determined with respect to any applicable facility placed in service before January 1, 2023.

(B) Special rule for facilities placed in service before January 1, 2025.—For purposes of subparagraph (A), in the case of any qualified facility placed in service before January 1, 2025—

(1) clause (i) of section 45(b)(7)(A) shall not apply, and

(2) clause (ii) of such section shall be applied by substituting ‘with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section for with respect to any taxable year beginning after December 31, 2024, for which the credit is allowed under this section’ for ‘with respect to any taxable year which is within the period described in subsection (a)(2)(A)(ii)’.

(6) Apprenticeship requirements.—Rules similar to the rules of section 45(b)(8) shall apply.

(7) Termination.—This section shall not apply to transportation fuel sold after December 31, 2027.

(8) Conforming amendments.—

(A) Section 252(c)(3), as amended by the preceding provisions of this Act, is amended—

(i) in subparagraph (A), by striking ‘‘and’’ at the end,

(ii) in subparagraph (B), by striking the period at the end and inserting ‘‘– and’’,

(B) in subparagraph (B), by adding at the end the following new subparagraph:

‘‘(8) Transportation fuel (as defined in section 45(d)(5)).’’

(2) Section 30C(c)(1)(B), as amended by the preceding provisions of this Act, is amended by adding at the end the following new clause:

‘‘(iv) Any transportation fuel (as defined in section 45(d)(5)).’’

(3) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (38), by striking ‘‘plus’’ at the end,

(B) in paragraph (39), by striking the period at the end and inserting ‘‘– plus’’, and

(C) by adding at the end the following new subparagraph:

‘‘(49) the clean fuel production credit determined under section 45(2)(a).’’

(4) The table of sections for part IV of subpart A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

‘‘Sec. 45Z. Clean fuel production credit.’’

(5) Section 4101(a)(1), as amended by the preceding provisions of this Act, is amended by inserting ‘‘every person producing a fuel eligible for the clean fuel production credit (pursuant to section 45Z),’’ after ‘‘section 45Z(a).’’

(6) Effective date.—The amendments made by this section shall apply to transportation fuel produced after December 31, 2024.

PART 8—CREDIT MONETIZATION AND APPROPRIATIONS

SEC. 13801. ELECTIVE PAYMENT FOR ENERGY PROPERTY AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) In general.—Subchapter B of chapter 65 is amended by inserting after section 6416 the following new section:

‘‘SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

(1) In general.—In the case of an applicable credit making a payment (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined with respect to any entity for taxable year which is within the period described in subsection (a)(2)(A)(ii), such entity shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

(b) Procedure.—The term ‘‘applicable credit’’ means each of the following:
(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 30C, shall be made not later than the date on which the credit is determined as used in such section.

(2) So much of the renewable electricity production credit determined under section 45(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022, shall be based on such election in subsection (a) is made shall be the amount of such credit, the S corporation makes an election under such subsection (a) shall be made by such partner.

(3) So much of the credit for carbon oxide sequestration determined under section 45Q(a) as is attributable to carbon capture equipment which is originally placed in service after December 31, 2022, shall be based on such election in subsection (a) is made shall be the amount of such credit determined with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in section 45Q(b)(5).

(4) The zero-emission nuclear power production credit determined under section 45(a).

(5) So much of the credit for production of clean hydrogen determined under section 45(a) as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2022.

(6) In the case of a tax-exempt income described in clause (i), (ii), or (iv) of section 168(h)(2)(A), the credit for qualified commercial vehicles determined under section 45W by reason of subsection (b) thereof.

(7) The credit for advanced manufacturing production under section 45X(a).

(8) The clean electricity production credit determined under section 45(a).

(9) The clean fuel production credit determined under section 45Q(a).

(10) The energy credit determined under section 48E.

(11) The qualifying advanced energy project credit determined under section 48C.

(12) The clean electricity investment credit determined under section 48C.

(c) APPLICABILITY TO PARTNERSHIPS AND S CORPORATIONS.—

(1) IN GENERAL.—In the case of any applicable entity determined with respect to any facility or property held directly by a partnership or S corporation, any election under subsection (a) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection (in such manner as the Secretary may provide) with respect to such credit—

(A) shall make an election to such partnership or S corporation equal to the amount of such credit, and

(B) subsection (e) shall be applied with respect to any applicable entity determined with respect to any facility or property held directly by a partner or shareholder’s pro rata share, or shareholder’s pro rata share of such credit.

(2) Coordination with application at partner or shareholder level.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility or property.

(3) Treatment of payments to partnerships and S corporations.—For purposes of section 1324 of title 31, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from such partnership or S corporation referred to in subsection (b)(2) of such section.

(d) Special Rules.—For purposes of this section—

(1) APPLICABLE ENTITY.—

(A) IN GENERAL.—The term ‘applicable entity’ means—

(i) any organization exempt from the tax imposed by subtitle A.

(ii) any State or political subdivision thereof.

(iii) the Tennessee Valley Authority.

(iv) an Indian tribal government (as defined in section 30D(g)(9)).

(v) any Alaska Native Corporation (as defined in section 30D(9)), the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy in rural areas.

(B) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an applicable entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service such facility or property, the credit determined under section 45V(a).

(C) CREDIT FOR CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an applicable entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, placed in service carbon capture equipment at a qualified facility (as defined in section 45Q(d)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit determined under section 45Q(b)(5).

(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

(i) IN GENERAL.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45V(c)(3)(A) or (4)(A) of section 45Q(a) with respect to any such taxable year, but only with respect to such facility is originally placed in service in any applicable credit determined under section 45Q(a).

(ii) ADDITIONAL RULES.—Any election under subsection (a), once made, shall be irrevocable and shall apply (except as otherwise provided in this paragraph) to any credit for the taxable year for which the election is made.

(E) CREDIT FOR CARBON OXIDE SEQUESTRATION.—

(i) IN GENERAL.—In the case of the credit described in subsection (b)(3), any election under subsection (a) shall—

(I) apply separately with respect to each qualified facility, if such credit is made for the taxable year in which such qualified facility is originally placed in service, and

(II) shall apply to such taxable year and to any subsequent taxable year which is within the period described in subsection (a)(2)(A)(ii) of section 45 with respect to such qualified facility.

(F) CREDIT FOR CLEAN HYDROGEN.—

(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

(I) apply separately with respect to each applicable entity which makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit determined under section 45Q(b)(5).

(ii) LIMITATION.—If such election is made under this paragraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 subsequent taxable years ending before January 1, 2033.

(iii) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(I)(aa) with respect to carbon capture equipment, such election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(iv) PROHIBITION OF CREDIT.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may at any time during the period described in clause (I)(I)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period, if such election is made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(v) REVOCATION OF CREDIT.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may at any time during the period described in clause (I)(I)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period, if such election is made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(11) LIMITATION.—No election may be made by the taxpayer other than an entity described in subsection (a) under this subparagraph with respect to any taxable year described in clause (i)(I)(aa) with respect to any taxable year described in subsection (b)(5).

(II) PROHIBITION ON TRANSFER.—For any taxable year described in clause (i)(I)(aa) with respect to carbon capture equipment, such election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(II) LIMITATION.—Any election made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3) shall be revocable and shall apply (except as otherwise provided in this paragraph) to any credit for the taxable year for which the election is made.

(III) PROHIBITION OF CREDIT.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may at any time during the period described in clause (I)(I)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period, if such election is made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(IV) REVOCATION OF CREDIT.—In the case of a taxpayer who makes an election described in paragraph (1)(C) with respect to carbon capture equipment, such taxpayer may at any time during the period described in clause (I)(I)(aa), revoke the application of such election with respect to such equipment for any subsequent taxable years during such period, if such election is made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3).

(V) LIMITATION.—Any election made by the taxpayer under section 6418(a) for such taxable year with respect to such equipment for purposes of the credit described in subsection (b)(3) shall be revocable and shall apply (except as otherwise provided in this paragraph) to any credit for the taxable year for which the election is made.
“(i) apply separately with respect to each qualified clean hydrogen production facility.
“(ii) be made for the taxable year in which such facility is placed in service (or within the 180-day period in the case of any eligible credit determined under section 45U(a)) or extended to the date of enactment of this section in the case of facilities placed in service before December 31, 2022,
“(b) in the case of a taxpayer who makes an election described in paragraph (1)(B), apply to such taxable year and the 4 subsequent taxable years with respect to such facility, which end before January 1, 2033, and
“(c) in any other case, to apply to such taxable year and 3 subsequent taxable years with respect to such facility for purposes of the credit described in subsection (b)(5).
“(iii) REVOCATION OF ELECTION.—In the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, such taxpayer may, at any time during the period described in clause (i)(III)(aa) with respect to any subsequent taxable year which is placed in service after December 31, 2022, and for which no return is required under section 6033(a), revoke the applicable election, with respect to such facility for any subsequent taxable years during such period. Such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (i)(III)(aa). Any election under this subclause may not be subsequently revoked.
“(E) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of the credit described in subsection (b)(5) and any election under subsection (a) shall—
“(i) apply separately with respect to each qualified facility,
“(ii) be made for the taxable year in which such facility is placed in service, and
“(iii) apply to such taxable year and to any subsequent taxable year which is placed in service after December 31, 2022, and for which no return is required under section 6033(a), the date of such facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

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chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to—
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(i) the amount of such excessive payment, plus
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(ii) an amount equal to 20 percent of such excessive payment.
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(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.
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(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term ‘excessive payment’ with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—
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the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility, and any other property or property for such taxable year, over
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the amount of the credit which, without application of this section, would be otherwise allowable pursuant to paragraph (2) and without regard to section 38(c) under this title with respect to such facility or property for such taxable year.
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(D) ELECTION.—In the case of an applicable entity making an election under this section with respect to an applicable entity making an election under this section, including guidance to ensure that the amount of the payment or deemed payment made under this section, including guidance to ensure that the amount of the payment or deemed payment made under this section, is treated as a payment which is made by an applicable entity under subsection (a), the amount of any excessive payment shall be increased by an amount equal to the sum of—
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any amount paid by a transferee taxpayer to such facility or property.
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(ii) an amount paid by a transferee taxpayer to such facility or property.
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(iii) the clean electricity production credit determined under section 45(a).
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(iv) the renewable electricity production credit determined under section 45C.
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(v) the clean hydrogen production credit determined under section 45U(a).
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(vi) the credit for carbon oxide sequestration.
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(vii) the clean electricity production credit determined under section 45(a).
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(viii) the clean hydrogen production credit determined under section 45U(a).
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(ix) the clean electricity production credit determined under section 45(a).
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(x) the clean hydrogen production credit determined under section 45U(a).
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(xi) the credit for carbon oxide sequestration.
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(xii) the clean electricity production credit determined under section 45(a).
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(xiii) the clean hydrogen production credit determined under section 45U(a).
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(xiv) the credit for carbon oxide sequestration.
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(xv) the credit for carbon oxide sequestration.
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(xvi) the credit for carbon oxide sequestration.
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(xvii) the credit for carbon oxide sequestration.
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(xviii) the credit for carbon oxide sequestration.
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(xix) the credit for carbon oxide sequestration.
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(xx) the credit for carbon oxide sequestration.
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(xxi) the credit for carbon oxide sequestration.
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(xxii) the credit for carbon oxide sequestration.
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(xxvi) the credit for carbon oxide sequestration.
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(xxvii) the credit for carbon oxide sequestration.
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(xxviii) the credit for carbon oxide sequestration.
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(xxix) the credit for carbon oxide sequestration.
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(xxxx) the credit for carbon oxide sequestration.
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(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.
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(3) ELECTIONS WHICH CREDIT TAKEN INTO ACCOUNT.—In the case of any credit (or portion thereof) with respect to which an election is made under subsection (a), such credit shall be determined without regard to the first taxable year of the transferee taxpayer ending with, or after, the taxable year of the eligible taxpayer with respect to which the credit was determined.
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(4) LIMITATIONS ON ELECTION.—
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(1) TIME FOR ELECTION.—An election under subsection (a) to transfer any portion of an eligible credit shall not be made after the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event later than the date of the enactment of this section. Any such election, once made, shall be irrevocable.
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(2) NO ADDITIONAL TRANSFERS.—No election may be made under subsection (a) by a transferee taxpayer with respect to any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.
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(5) DEFINITIONS.—For purposes of this section—
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(1) ELIGIBLE CREDIT.—The term ‘eligible credit’ means each of the following:
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(i) So much of the credit for alternative fuel vehicle refueling property allowed under section 30C which, pursuant to subsection (d)(1) of such section, is treated as a credit listed in section 38(b).
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(ii) The renewable electricity production credit determined under section 45C.
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(iii) The clean hydrogen production credit determined under section 45U(a).
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(iv) The zero-emission nuclear power production credit determined under section 45U(a).
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(v) The clean hydrogen production credit determined under section 45U(a).
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(vi) The advanced manufacturing production credit determined under section 45X(a).
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(vii) The clean electricity production credit determined under section 45Y(a).
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(viii) The clean fuel production credit determined under section 45Z(a).
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(ix) The energy credit determined under section 45.
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(x) The qualifying advanced energy project credit determined under section 48C.
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(xi) The clean electricity investment credit determined under section 48E.
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(xii) The clean fuel production tax credits. In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph..."
(A), an election under subsection (a) shall be made.

(1) separately with respect to each facility for which such credit is determined, and

(2) by any taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (ii), during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

(3) RECOUPMENT FOR BUSINESS CREDIT CARRYFOWARDS OR CARRYBACKS.—The term ‘eligible credit’ shall not include any business credit carryforward or business credit carryback determined under section 39.

(4) ADDITIONAL INFORMATION.—As a condition to any transferee taxpayer’s election, the transferee taxpayer shall provide to the Secretary of the Treasury the information (including, in such form and manner as the Secretary shall prescribe) necessary as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

(2) EXCESSIVE CREDIT TRANSFER.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the tax imposed on the transferee taxpayer by chapter 1 (regardless of whether such entity would otherwise be subject to tax under such chapter for any taxable year in which such determination is made) shall be increased by an amount equal to the excess of—

(i) the amount of such excessive credit transfer, plus

(ii) an amount equal to 20 percent of such excessive credit transfer.

(B) REASONABLE CAUSE.—Subparagraph (A)(ii) shall not apply if the transferee taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

(3) EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term ‘excessive credit transfer’ means, with respect to any property or facility for which an election is made under subsection (a) for any taxable year, an amount equal to the excess of—

(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

(4) BASIS REDUCTION; NOTIFICATION OF RECAPTURE.—In the case of any election under subsection (a) with respect to any portion of an eligible credit described in clauses (ix) through (xii) of subsection (c)(1)(A)—

(A) subsection (c) of section 50 shall apply to the applicable investment credit property (as defined in subsection (a)(5) of such section) as if such eligible credit was allowed to the eligible taxpayer, and

(B) if, during any taxable year, the applicable investment credit property (as defined in subsection (a)(5) of such section) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer during the 12-year period beginning on the date the carbon capture property was originally placed in service at such facility (as described in subsection (a)(1) of such section)—

(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

(ii) the transferee tax credit shall provide notice of the recapture amount (as defined in subsection (c)(2) of such section), if any, to the eligible taxpayer (in such form and manner as the Secretary shall prescribe).

(5) RECOUPMENT WITH RESPECT TO PROGRESS EXPENDITURES.—This section shall not apply with respect to any amount of the credit which is allowed pursuant to rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including regulations or other guidance providing rules for determining a partner’s distributive share of the tax exempt income described in subsection (c)(1).

(7) REAL ESTATE INVESTMENT TRUSTS.—Section 50(a) is amended by adding at the end the following new item:

‘‘(ii) ADDITIONAL INFORMATION .—As a condition to any transferee taxpayer’s election under subsection (a) for any taxable year for which such credit is determined, and

(iii) by substituting ‘‘taxable year’’ for ‘‘taxable year’’ in subparagraph (A) thereof, and

(iv) by substituting ‘‘21 taxable years’’ for ‘‘21 taxable years’’ in subparagraph (A) thereof, and

(v) by substituting ‘‘3 taxable years’’ for ‘‘3 taxable years’’ in subparagraph (B) thereof, and

(vi) by substituting ‘‘22 taxable years’’ for ‘‘22 taxable years’’ in subparagraph (B) thereof, and

(vii) by substituting ‘‘20 taxable years’’ for ‘‘20 taxable years’’ in subparagraph (B) thereof.

(8) CLERICAL AMENDMENT.—The table of sections for chapter 1 of subtitle A of subchapter B of chapter 65 is amended by inserting at the end the following new item:

‘‘(1) T AXABLE YEAR.—The term ‘taxable year’ as used in title I shall be applied without regard to subclause (I) of section 41(h)(4)(B)(i) (as applied to a real estate investment trust to which such election applies).’’.

(9) DEDUCTION ALLOWED.—There shall be allowed—

(A) in the case of any taxable year beginning after December 31, 2022, the amount in subclause (i) shall be increased by $250,000.

(B) ALLOWANCE OF CREDIT.—In general.—(1) in general.—(1) SEC. 13801. PERMANENT EXTENSION OF TAX ABILITY TRUST FUND.

SEC. 13801. PERMANENT EXTENSION OF TAX ABILITY TRUST FUND.

(a) In General.—Section 4121 is amended by striking subsection (b)(1).

(b) Effective Date.—The amendments made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 13802. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) In General.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ‘‘Amount’’ and inserting ‘‘Amount’’;

‘‘(i) the amount of the excess credit which is made by this section shall apply to taxable years beginning after December 31, 2022, out of any money in the Treasury not otherwise available, provided that the amount in subclause (i) shall be increased by $250,000.’’.

(b) ALLOWANCE OF CREDIT.—In general.—(1) in general.—(1) SEC. 13802. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

SEC. 13802. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) In General.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ‘‘Amount’’ and inserting ‘‘Amount’’;

(2) by adding at the end the following new subparagraph:

‘‘(ii) in the case of any taxable year beginning after December 31, 2022, the amount in subclause (i) shall be increased by $250,000.’’.

(b) ALLOWANCE OF CREDIT.—In general.—(1) in general.—(1) SEC. 13803. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

SEC. 13803. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1006(e) of the American Rescue Plan Act of 2021 (as amended by section 2207 of this Act) or section 2306 of this Act—

(B) the amount shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,
(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and
(3) in the case of a partnership or S corporation on whose behalf, or to whom, such a payment is made—
(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1366 of such Code, and
(B) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), any increase in the adjusted basis of a partner’s interest in a partnership under section 705 of such Code with respect to any amount described in subparagraph (A) shall equal the partner’s distributive share of deductions resulting from interest that is part of such payment and the partner’s share, as determined under section 752 of such Code, of principal that is part of such payment.

TITLE II—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY
SEC. 20001. DEFINITION OF SECRETARY.
In this title, the term ‘‘Secretary’’ means the Secretary of Agriculture.

Subtitle B—Conservation
SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION PROGRAMS.
(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disburse after September 30, 2031)—
(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under section 3839aa of chapter 4 of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8),—
(A)(i) $250,000,000 for fiscal year 2023;
(ii) $1,750,000,000 for fiscal year 2024;
(iii) $3,000,000,000 for fiscal year 2025; and
(iv) $4,500,000,000 for fiscal year 2026; and
(2) to the conditions on the use of the funds that—
(i) section 1240B(f)(1) of the Food Security Act of 1985 (16 U.S.C. 3871c(f)(1)) shall not apply; and
(ii) the Secretary shall prioritize partnership agreements under section 1240C(d) of the Food Security Act of 1985 (16 U.S.C. 3871c(d)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production.
(b) CONDITIONS.—The funds made available under subsection (a) are subject to the conditions that the Secretary shall not—
(1) enter into any agreement—
(A) that is for a term extending beyond September 30, 2031; or
(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or
(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or
(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expressed for such purposes.
(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2023, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development and Agricultural Credit
SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.
(1) APPROPRIATIONS.—Notwithstanding subsections (a) through (e), and (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, for the cost of loans under section 317 of the
(2) in paragraph (1)(B), in the subparagraph heading, by striking ‘‘2022’’ and inserting ‘‘2031’’; and
(C) in subsection (b)—
(i) in paragraph (1)(B), in the subparagraph heading, by striking ‘‘2022’’ and inserting ‘‘2031’’; and
(ii) by striking ‘‘2022’’ each place it appears and inserting ‘‘2031’’.
SEC. 21002. CONSERVATION TECHNICAL ASSISTANCE.
(a) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 (subject to the condition that no such funds may be disbursed after September 30, 2031)—
(1) $1,000,000,000 to provide conservation technical assistance through the Natural Resources Conservation Service; and
(2) $300,000,000 to carry out a program to quantify carbon sequestration and carbon dioxide, methane, and nitrous oxide emissions, through which the Natural Resources Conservation Service shall collect field-based data to assess the carbon sequestration and reduction in carbon dioxide, methane, and nitrous oxide emissions on cropland associated with activities carried out pursuant to this section and use the data to monitor and track those carbon sequestration and emissions trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.
(b) CONDITIONS.—The funds made available under this section are subject to the conditions that the Secretary shall not—
(1) enter into any agreement—
(A) that is for a term extending beyond September 30, 2031; or
(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; or
(2) use any other funds available to the Secretary to satisfy obligations initially made under this section; or
(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expressed for such purposes.

(3) interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expressed for such purposes.
(c) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2023, for administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this section.

Subtitle C—Rural Development and Agricultural Credit
SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC LOANS FOR RENEWABLE ENERGY.
Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electric- 
ity that support the types of eligible projects under that section, which shall be forgone- 
s product of that subsection established by the Secretary, except as pro- 
(2) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to that 
section that could result in disburse- 
ments after September 30, 2031.

(3) EXCEPTION.—The Secretary shall es- 
tablish the 90 percent limitation described in paragraph (1).”.

SEC. 22002. RURAL ENERGY FOR AMERICA PRO- 
gram (1) to provide grants, for which the 
Federal share shall be not more than 75 per- 
ton of the total cost of carrying out a project for which the grant is provided, on a 
portion of the total cost of carrying out projects that meet the criteria established by the Secretary, not otherwise appropriated, at or greater than the levels required in the 
Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program 
for Fiscal Year 2021, published in the Federal Register (85 Fed. Reg. 26656), as de- 
termined by the Secretary; and

(2) $20,000,000,000 for each of fiscal years 2022 through 2027, to remain available until Sep- 
tember 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts oth- 
erwise available, there is appropriated to the Secretary not otherwise appropriated, to 
create a grant program to provide grants and loans guaranteed by the Secre- 
that includes the costs of such loans under 
the Rural Energy for America Program (as amended by section 22001) is amended by 
adding at the end the following:

“(a) APPROPRIATION.—Notwithstanding 
subsections (a) through (e) and subsection 
(4) of section 8107 of the Rural Electric- 
ity, and to provide technical 
systems, or to make energy efficiency im- 
portant to a project for which the grant is provided, on a 
percent of the total amount made available by 
this subsection.

(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection— 
(a) an agreement for which the total cost of carrying out a project for which the grant is provided, on a 
portion of the total cost of carrying out projects that meet the criteria established by the Secretary, not otherwise appropriated, at or greater than the levels required in the 
Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program 
for Fiscal Year 2021, published in the Federal Register (85 Fed. Reg. 26656), as de- 
termined by the Secretary; and

(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection— 
(a) an agreement for which the total cost of carrying out a project for which the grant is provided, on a 
portion of the total cost of carrying out projects that meet the criteria established by the Secretary, not otherwise appropriated, at or greater than the levels required in the 
Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program 
for Fiscal Year 2021, published in the Federal Register (85 Fed. Reg. 26656), as de- 
termined by the Secretary; and

(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection— 
(a) an agreement for which the total cost of carrying out a project for which the grant is provided, on a 
portion of the total amount made available by 
this subsection.

(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection— 
(a) an agreement for which the total cost of carrying out a project for which the grant is provided, on a 
portion of the total cost of carrying out projects that meet the criteria established by the Secretary, not otherwise appropriated, at or greater than the levels required in the 
Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program 
for Fiscal Year 2021, published in the Federal Register (85 Fed. Reg. 26656), as de- 
termined by the Secretary; and

(5) DISBURSEMENTS.—The Secretary shall not enter into, pursuant to this subsection— 
(a) an agreement for which the total cost of carrying out a project for which the grant is provided, on a 
portion of the total amount made available by 
this subsection.
of Agriculture and the programs of the Department of Agriculture.

"(d) RESEARCH, EDUCATION, AND EXTENSION.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031—

(1) $1,300,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $230,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Provision Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));

(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the Secretary of the Interior of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–2); and

(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) DISCRIMINATION FINANCIAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including a cooperative agreement or mutual benefit arrangement, with respect to the administration of the program of this paragraph.

(c) LIMITATION.—The term "wildland-urban interface" means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a functional forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the reestablishment of an authorized, temporary, or system road.

(d) COST-SHARING WAIVER.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than $500,000, as determined to be appropriate based on any consequences experienced from the discrimination, which program shall be administered through 1 or more governmental entities selected by the Secretary to subject standards and enforced by the Secretary.

(f) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

(g) LIMITATION.—The funds made available under this section are subject to the condition that the Secretary shall not—

(1) enter into any agreement under which any payment could be outlaid or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations otherwise made under this section.

SEC. 2208. REPEAL OF FARM LOAN ASSISTANCE.

Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 7001 note; Public Law 117–2) is repealed.

Subtitle D—Forestry

SEC. 23001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROGRAMS

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $1,300,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) $230,000,000 for vegetation management projects on National Forest System land carried out in accordance with a plan developed under section 303(d)(1) or 304(a)(3) of the Healthy Forests Provision Act of 2003 (16 U.S.C. 6542(d)(1) or 6543(a)(3));

(3) $100,000,000 to provide for environmental reviews by the Chief of the Forest Service in satisfying the Secretary of the Interior of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 through 4370m–2); and

(4) $50,000,000 for the protection of old-growth forests on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(b) RESTRICTIONS.—None of the funds made available by paragraph (1) or (2) of subsection (a) may be used for any activity—

(1) conducted in a wilderness area or wilderness study area;

(2) that includes the construction of a permanent road or motorized trail;

(3) that includes the promotion of a temporary road, except in the case of a temporary road that is decommissioned by the Secretary not later than 3 years after the earlier of—

(A) the date on which the temporary road is no longer needed; and

(B) the date on which the project for which the temporary road was constructed is completed;

(4) inconsistent with the applicable land management plan;

(5) inconsistent with the prohibitions of the rule of the Forest Service entitled "Special Areas: Roadless Area Conservation" (66 Fed. Reg. 3244 (January 12, 2001), as modified by subparts G and D of part 294 of title 36, Code of Federal Regulations; or

(6) carried out on any land that is not National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(c) LIMITATIONS.—Nothing in this section shall be construed to authorize the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(d) COST-SHARING WAIVER.—

(1) IN GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that—

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cost-share agreement or mutual interest agreement; and

(C) is subject to a non-Federal cost-share requirement.

(e) DEMONSTRATIONS.—In this section—

(1) DECOMMISSION.—The term "decommission" means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road; or removing ecologically disruptive road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular traffic, wildlife, and trail traffic.

(2) ECOCLOGICAL INTENSITY.—The term "ecological intensity" has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term "hazardous fuels reduction project" means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land within the wildland-urban interface.

(4) RESTORATION.—The term "restoration" has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) VEGETATION MANAGEMENT PROJECT.—The term "vegetation management project" means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a functional forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitat, or the reestablishment of an authorized, temporary, or system road.


SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (b) of that section shall not apply.

(b) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (b) of that section shall not apply.

(1) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (b) of that section shall not apply.

(2) $150,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106a) for providing through that program grants to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (b) of that section shall not apply.

Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazards for locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall be not more than $900,000,000, to remain available until September 30, 2029; and

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 20 percent of the amount under the grant, to be derived from non-Federal sources.

(b) Cost-Sharing Requirement.—Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section shall be subject to a non-Federal cost-share requirement of not less than 20 percent of the project cost, which may be waived at the discretion of the Secretary.

(c) Limitations.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 23005. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) Appropriations.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture for costs related to implementing this subtitle.

(b) Loan and Grant Terms and Conditions.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants for eligible recipients that agree to an extended period of affordability for the property.

(c) Definitions.—As used in this section—

(1) the term “eligible recipient” means any owner or sponsor of an eligible property; and

(2) any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 23005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the Department of Agriculture for costs related to implementing this subtitle.

TITLE III—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 30001. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2024, to carry out the Defense Production Act of 1950 (50 U.S.C. 5001 et seq.).

SEC. 30002. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

(a) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development in this section referred to as the “Secretary” for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $857,500,000, to remain available until September 30, 2029, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions in section 2(b), for the acquisition of land and interests in land; and

(2) $1,500,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1401 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 310j)), an Indian Tribe, or a collaboration through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105c(c)) for tree planting and related activities.

(b) Waiver.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 30004. LIMITATION.

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be lost or funds disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

SEC. 30005. ADMINISTRATIVE COSTS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2031, for administrative costs of the Department of Agriculture for costs related to implementing this subtitle.

(b) Waiver.—The Secretary may waive or specify alternative requirements for any proposed activities of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to carry out the Defense Production Act of 1950.

(2) the term "eligible property" means a property that is for a term extending beyond September 30, 2031, for administrative costs of the Department of Agriculture for costs related to implementing this subtitle.

(c) Limitations.—Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

SEC. 30006. CREDIT FOR NATIONAL MARINE SANCTUARIES.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,600,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 204 of the Higher Education Act (20 U.S.C. 1003(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, indendent communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) Tribal Government Defined.—In this section, 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 subtitle, subject to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 631).

SEC. 30007. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) National Oceanic and Atmospheric Administration Facilities.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) National Marine Sanctuary Facilities.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1433(c)).

SEC. 30008. NOAA EFFICIENT AND EFFECTIVE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, to provide funding through direct expenditure, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)), the District of Columbia, Tribal Governments, nonprofit organizations, local governments, and institutions of higher education (as defined in subsection (a) of section 204 of the Higher Education Act (20 U.S.C. 1003(a))), for the conservation, restoration, and protection of coastal and marine habitats, resources, Pacific salmon and other marine fisheries, indendent communities to prepare for extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine dependent communities, marine fishery and marine mammal stock assessments, and for related administrative expenses.

(b) Tribal Government Defined.—In this section, 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 subtitle, subject to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 631).

SEC. 30009. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) National Oceanic and Atmospheric Administration Facilities.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for the construction of new facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) National Marine Sanctuary Facilities.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under subsection (c) of section 301 of the National Marine Sanctuaries Act (16 U.S.C. 1433(c)).

SEC. 30000. NOAA EFFICIENT AND EFFECTIVE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National
SEC. 40004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FUNDING AUTHORITY.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $310,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, climate, and the environment, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 6512(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, climate, and the environment, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 6512(a)), and for related administrative expenses.

SEC. 40005. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $190,000,000, to remain available until September 30, 2026, for the acquisition of high-performance computing, data processing capacity, data management, and storage, projects that will significantly improve the delivery of operational national weather forecasting and modeling services; and for related administrative expenses.

SEC. 40006. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the acquisition of hurricane research and forecasting aircraft and for associated activities.

SEC. 40007. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) APPROPRIATION AND ESTABLISHMENT.—For purposes of establishing a competitive grant program for eligible entities to carry out projects located in the United States that produce, transport, blend, or store sustainable aviation fuel, or develop, manufacture, or retrofit, or apply low-emission aviation technologies, in addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026—

(1) $234,530,000 for projects relating to the production, transportation, blending, or storage of sustainable aviation fuel; and

(2) $46,530,000 for projects relating to low-emission aviation technologies; and

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall—

(1) consider the capacity of the eligible entity to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emission aviation technologies among the United States commercial aviation and aerospace industry;

(2) the projected greenhouse gas emissions from such project, including emissions resulting from the development of the project, and the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(3) the capacity to create new jobs and develop supply chain partnerships in the United States;

(4) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from such project, which shall include feedstock and fuel production and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use);

(5) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture technologies;

(c) COST SHARE.—The Federal share of the cost of a project carried out under grant funds under subsection (a) shall be—

(1) 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code;

(2) the reduction in greenhouse gas emissions (including annualized induced land-use change values) and other climate change impacts from the proposed project, which shall in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a methodology similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(A) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(B) as stringent as the requirement under clause (i);

(d) ELIGIBLE ENTITY.—The term "eligible entity" means—

(1) the United States, including the District of Columbia, or a United States territory;

(2) a State or local government, including an airport sponsor; or

(3) an airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code;

SEC. 40008. LOW-EMISSION AVIATION TECHNOLOGIES.

The term "low-emission aviation technologies" means technologies, produced in the United States, that—

(1) improve aircraft fuel efficiency;

(2) increase utilization of sustainable aviation fuel; or

(3) reduce greenhouse gas emissions produced during operations of aircraft engines, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land-use change values under a methodology similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is—

(A) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(B) as stringent as the requirement under clause (i);

TITLES V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

PART I—GENERAL PROVISIONS

SEC. 5211. DEFINITIONS.

In this subtitle:

(1) GREENHOUSE GAS.—The term "greenhouse gas" has the meaning given in section 1605(a) of the Energy Policy Act of 1992 (42 U.S.C. 13266(a)).

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(3) STATE.—The term "State" means a State, the District of Columbia, and the United States Insular Areas (as that term is defined in section 50211).
SEC. 50121. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

(a) Appropriation.—

(1) In general.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2031, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) Use of funds.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(b) Applications.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a description of a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in home energy cost resulting from the implementation of a home energy efficiency retrofit that are calculated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home per household, for purposes of a home energy efficiency retrofit program; and

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support the award and documentation of the retrofit; and

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community that receives a home energy efficiency retrofit for which a rebate is provided, and $2,000 for each home located in a State that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged, including Indian tribes, and to provide rebates to homeowners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 15 percent—

(I) $4,000; and

(II) 50 percent of the project cost; and

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State; or

(II) 50 percent of the project cost;

(iv) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(I) in the case of a retrofit that achieves modeled energy efficiency savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $200,000 per multifamily building;

(II) in the case of a retrofit that achieves modeled energy efficiency savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for each dwelling unit of which are occupied by low- or moderate-income multifamily households; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building not less than 50 percent of the dwelling units of which are occupied by low- or moderate-income households—

(I) in the case of a retrofit that achieves modeled energy system savings of not less than 15 percent—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(ii) in the case of a Retrofit that achieves modeled energy system savings of not less than 15 percent—

(I) $2,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $1,000 for a 20 percent reduction of energy use for a single-family home or a multifamily building, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) Rebates to low- or moderate-income households.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office may use funds awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) Use of funds.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) Data access guidelines.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing.

(6) Exemption.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to the expenditure prohibitions and limitations described in section 20.18 of title 10, Code of Federal Regulations.

(7) Prohibition on combining rebates.—A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) Definitions.—In this section:

(1) Disadvantaged community.—The term ‘disadvantaged community’ means a community that the Secretary determines, based on appropriate data, indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES rebate program.—The term ‘HOMES rebate program’ means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved home energy conservation plan under the State Energy Program.

(3) Low- or moderate-income household.—The term ‘low- or moderate-income household’ means an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) Appropriation.—

(1) Funds to state energy offices and indian tribes.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to carry out a program—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $4,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian tribes to develop and implement a high-efficiency electric home rebate program in accordance with...
subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION OF FUNDS.—

(A) STATE ENERGY OFFICES.—The Secretary shall allocate funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office under subsection (b) is approved.

(B) INDIAN TRIBES.—The Secretary shall re-

serve funds made available under paragraph (1)(B) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(C) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home reb-

ate program in proportion to the amount distrib-

uting a high-efficiency electric home rebate program; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home reb-

ate program for the purchase of an appliance under clause (ii) of that subparagraph shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a space heat pump for space heating or cooling; and

(iii) not more than

(A) an electric stove, cooktop, range, or oven;

(B) an electric heat pump clothes dryer.

(3) ADDITIONAL FUNDS.—

(A) nonappliances Upgrades.—The amount of a rebate provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the pur-

chase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wir-

ing.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—

(A) An eligible entity receiving funding under this subsection shall not exceed—

(i) in accordance with the income eligi-

bility requirements under this section.

(B) INDIAN TRIBES.—The Secretary shall re-

serve funds made available under paragraph (1)(A) by an eligible entity described in that subparagraph shall not be des-

cribed in section 420.18 of title 10, Code of Federal Regulations.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The term "high-efficiency electric home rebate program" means the program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(B) INDIAN TRIBES.—The term "Indian Tribe" has the meaning given in section 4 of the Indian Self-Determination and Edu-


(3) AMOUNT FOR INSTALLATION OF UP-

GRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, a State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (d)(4) and (d)(5).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that el-

igible entity to the eligible entity described in paragraph (A) or (B) of this subsection on behalf of which the qualified electrifica-

tion project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office or an Indian Tribe under a high-efficiency electric home rebate program provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate provided by a State energy office or an Indian Tribe under a high-efficiency electric home rebate program provided under the program shall not be combined with any other Federal grant or rebate, in-

cluding a rebate provided by a HOMES reb-

ate program (as defined in section 5021(d)), for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or an Indian Tribe that receives a grant under the program shall use not more than 2 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—

(A) IN GENERAL.—The term "high-efficiency electric home rebate program" means—

(i) a program carried out by a State energy office or Indian Tribe seeking a grant under the program; and

(ii) any other Federal grant or rebate program that is carried out by a State energy office or Indian Tribe under subsection (c).

(B) INDIAN TRIBES.—The Secretary shall re-

serve funds made available under paragraph (1)(B) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(3) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(i) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a high-efficiency electric home reb-

ate program in proportion to the amount distrib-

uting a high-efficiency electric home rebate program; and

(ii) subparagraph (B) but not distributed under clause (ii) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program for the purchase of an appliance under clause (ii) of that subparagraph shall be—

(i) not more than $1,750 for a heat pump water heater;

(ii) not more than $8,000 for a space heat pump for space heating or cooling; and

(iii) not more than

(A) an electric stove, cooktop, range, or oven;

(B) an electric heat pump clothes dryer.

(3) ADDITIONAL FUNDS.—

(A) nonappliances Upgrades.—The amount of a rebate provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the pur-

chase of a nonappliance upgrade under a qualified electrification project shall be—

(i) not more than $4,000 for an electric load service center upgrade;

(ii) not more than $600 for insulation, air sealing, and ventilation; and

(iii) not more than $2,500 for electric wir-
ing.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—

(A) An eligible entity receiving funding under this subsection shall not exceed—

(i) in accordance with the income eligi-

bility requirements under this section.

(B) INDIAN TRIBES.—The Secretary shall re-

serve funds made available under paragraph (1)(A) by an eligible entity described in that subparagraph shall not be des-

cribed in section 420.18 of title 10, Code of Federal Regulations.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The term "high-efficiency electric home rebate program" means the program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(B) INDIAN TRIBES.—The term "Indian Tribe" has the meaning given in section 4 of the Indian Self-Determination and Edu-


(3) AMOUNT FOR INSTALLATION OF UP-

GRADES.—

(A) IN GENERAL.—In the case of an eligible entity described in subsection (d)(1)(C)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is less than 80 percent of the area median income; and

(ii) to be distributed to a State energy of-

ice if the application of the State energy of-

ice under subsection (b) is approved.

(3) AMOUNT FOR INSTALLATION OF UP-

GRADES.—

(A) IN GENERAL.—The term "high-efficiency electric home rebate program" means the program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(B) INDIAN TRIBES.—The term "Indian Tribe" has the meaning given in section 4 of the Indian Self-Determination and Edu-


(4) LOW- OR MODERATE-INCOME HOUSE-

HOUSE.—The term "low- or moderate-income house-

hold" means an individual or family the total annual income of which is less than 150 percent of the median income of the area in which the individual or family resides, as re-

ported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income re-

strictions equal to or below 150 percent of area median income.

(5) PROGRAM.—The term "program" means the program carried out by the Secretary under subsection (a)(1).

(6) QUALIFIED ELECTRIFICATION PROJECT.—

(A) IN GENERAL.—The term "qualified elec-

trification project" means—

(i) includes the purchase and installation of—

(i) an electric heat pump water heater;

(ii) an electric heat pump for space heating and cooling;

(iii) an electric stove, cooktop, range, or oven;

(iv) an electric heat pump clothes dryer;

(V) an electric load service center;

(VI) insulation;

(VII) air sealing and materials to improve ventilation; or

(VIII) electric wiring;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(i) as part of new construction;

(II) to replace a nonelectric appliance; or
SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out a program to provide financial assistance to States and units of local government that have authority to adopt building codes—

(1) to reduce the cost of training contractor employees; and

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees; and

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2022, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(13)), which shall provide training and education to contractors involved in the installation of home energy systems and conservation improvements, including improvements eligible for rebates under a HOMES rebate program (as defined in section 50212(d)) or a high-efficiency rebate program defined in section 5022(d)), as part of an approved State energy conservation plan under the State Energy Program.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to develop and implement a State program pursuant to section 50212; and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary shall use funds made available under subsection (a) to establish a program to provide financial assistance to States and units of local government that have authority to adopt building codes—

(1) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the 2021 International Energy Conservation Code or, achieves equivalent or greater energy savings; or

(2) any combination of building energy codes described in subparagraph (A) or (B); and

(3) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) EXPENSES.—Of the amounts received under subsection (a) for implementation of a program to provide financial assistance to States and units of local government that have authority to adopt building codes—

(1) to adopt building energy code (or codes) for residential and commercial buildings that meets or exceeds

(i) the ANSI/ASHRAE/IES Standard 90.1–2019, or

(ii) any combination of building energy codes described in subparagraph (A); or

(2) to adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds

(i) the ANSI/ASHRAE/IES Standard 90.1–2019, or

(ii) any combination of building energy codes described in subparagraph (A); or

(iii) to install, operate, and monitor those features or components in accordance with the International Energy Conservation Code.

SEC. 50132. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out a program to provide financial assistance to States and units of local government that have authority to adopt building codes—

(1) to reduce the cost of training contractor employees; and

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(b) USE OF FUNDS.—A State may use amounts received under subsection (a)—

(1) to reduce the cost of training contractor employees; and

(2) to provide testing and certification of contractors trained and educated under a State program developed and implemented pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 50141. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), up to a total principal amount of $40,000,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available, the Secretary shall reserve not more than 5 percent for administrative costs necessary to carry out this section.

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available through September 30, 2028, for the costs of providing direct loans under section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 1703d(b)); Provided, That funds appropriated by this section may be used for the costs of providing direct loans for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of any advanced technology vehicles described in subparagraph (C), (D), (E), or (F) of section 136(a)(1) of such Act (42 U.S.C. 1703a(a)(1)) only if such advanced technology vehicles emit, under any possible operational mode or condition, low or zero exhaust emissions of greenhouse gases.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than $50,000,000 for administrative costs for providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.—Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 1703d(1)) is amended by striking ‘‘a total of not more than $25,000,000,000 in’.\n\n"
SEC. 50143. DOMESTIC MANUFACTURING CON-
VERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $2,000,000,000, to remain available through September 30, 2026, to pro-
vide grants for domestic production of effi-

(b) COST SHARE.—The Secretary shall re-
quire a recipient of a grant provided under subsec-
tion (a) to provide not less than 30 per-
cent of the cost of the project carried out using such fund and for administrative expenses.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16862).

SEC. 50144. ENERGY INFRASTRUCTURE REIN-
VESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $5,000,000,000, to remain available through September 30, 2026, to car-

(b) COMMITMENT AUTHORITY.—The Sec-
retary may make, through September 30, 2026, commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which shall not exceed $250,000,000, subject to the limitations that apply to loan guarantees under section 50141(d).

(c) ENFORCEMENT AND REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

"SEC. 1706. ENERGY INFRASTRUCTURE REIN-
VESTMENT FINANCING.

"(a) IN GENERAL.—Notwithstanding section 1706, the Secretary may make commitments, including refinancing, under this section only for projects that—

"(1) require a recipient of a grant provided under this section to engage with and affect associ-
ated communities,

"(2) enable operating energy infrastructure to avoid, reduce, or sequester air pol-
lutants or anthropogenic emissions of greenhouse gases,

"(b) INCLUSION.—A project under subsec-
tion (a) may include the remediation of environmentally damaging activity associated with energy infrastructure.

"(c) REQUIREMENT.—A project under sub-
section (a)(1) that involves electricity gen-
eration through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pol-
lutants and anthropogenic emissions of greenhouse gases.

"(d) APPLICATION.—To apply for a guar-
antee under this section, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may re-
quire, including—

"(1) a detailed plan describing the proposed project;

"(2) an analysis of how the proposed project will engage with and affect associ-
ated communities;

"(3) in the case of an applicant that is an electric utility, an assurance that the elect-
ric utility shall pass on any financial ben-
efit from grants made under this section to the customers of, or associated commu-
nities served by, the electric utility.

"(e) TERM.—Notwithstanding section 1702(f), the term of an obligation shall re-
quire full repayment over a period not to ex-
ceed 30 years.

"(f) DEPARTMENT OF ENERGY INFRASTRUC-
tURE.—In this section, the term ‘energy infra-
structure’ means a facility, and associ-
ed equipment, used for—

"(1) the generation or transmission of elec-
tric energy; or

"(2) the production, processing, and deliv-
ey of fossil fuels, fuels derived from petro-
leum, or petrochemicals.

"(g) CONFORMING AMENDMENT.—Section 1702(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16512(c)(3)) is amended by inserting ‘and projects described under section 1706(a)’ before the period at the end.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE 
PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $750,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—(1) IN GENERAL.—The Secretary may make a grant under this section to a siting author-
ity for, with respect to a covered trans-
mission project, any of the following activi-
ties:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered trans-
mission project feasibility, direct loan, or other-
wise appropriated, $2,000,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $750,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—(1) IN GENERAL.—The Secretary may make a grant under this section to a siting author-
ity for, with respect to a covered trans-
mission project, any of the following activi-
ties:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered trans-
mission project feasibility, direct loan, or other-
wise appropriated, $2,000,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

SEC. 50153. DOMESTIC MANUFACTURING CON-
VERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $5,000,000,000, to remain available through September 30, 2029, to carry out section 2002(c) of the Energy Policy Act of 1992 (25 U.S.C. 3520(c)), subject to the limitations that apply to loan guarantee-
tes under section 50141(d).

(b) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3520(c)) is amended—

"(1) in paragraph (1), by striking ‘‘an amount equal to not more than 90 percent of’’ and inserting ‘‘, except that a loan guar-
antee may guarantee any debt obligation of a non-Federal borrower to any Eligible Lend-
er (as defined in title 10, Code of Federal Regulations)’’; and

"(2) in paragraph (4), by striking ‘‘$2,000,000,000’’ and inserting ‘‘$200,000,000’’.

PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $2,000,000,000,000, to remain available through September 30, 2030, to carry out this section: Provided, That the Secretary may not guarantee any loan under this section that is contingent on an agreement pursuant to this section that could result in disbursements after Sep-

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of making direct loans to borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the con-
struction or modification of electric trans-
mission facilities designated by the Sec-
retary to be necessary in the national in-
terest under section 661a(b)(1) of the Federal Power Act (16 U.S.C. 824a(p)).

(c) LOANS.—A direct loan provided under this section—

"(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facil-
ity; and

(B) 30 years;

"(2) shall not exceed 80 percent of the project costs; and

"(3) shall be subject to the condition that the direct loan is not sub-
ordinate to other financing.

"(d) INTEREST RATES.—A direct loan pro-
vided under this section shall bear interest at a rate determined by the Secretary, tak-
ing into consideration market yields on out-
standing marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-
wise appropriated, $750,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—(1) IN GENERAL.—The Secretary may make a grant under this section to a siting author-
ity for, with respect to a covered trans-
mission project, any of the following activi-
ties:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered trans-
mission project feasibility, direct loan, or other-
wise appropriated, $2,000,000,000, to remain available through September 30, 2029, for making grants in accordance with this sec-
tion and for administrative expenses associated with carrying out this section.

2.

SEC. 50153. DOMESTIC MANUFACTURING CON-
VERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Secretary for fiscal year 2022, out of any money in the Treasury not other-

construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting authority determines that a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term ‘covered transmission project’ means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity’s intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—The term ‘siting authority’ means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the siting authority.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2023, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct, fund, plan, model, and analyze regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generation, transmission, and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) advanced industrial technology;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for companies arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluations of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—INDUSTRIAL

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) ELIGIBLE FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out activities described in paragraphs (1) and (2).

(d) RETURNING FUNDS.—If a siting authority determines that an eligible entity has failed to use all funds made available under an award, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ‘advanced industrial technology’ means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 454 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17112(c)), and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE FUNDING.—The term ‘eligible funding’ means a grant, rebate, direct loan, or operating costs for an eligible recipient.

(3) ELIGIBLE FUNDING.—The term ‘eligible facility’ means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including refining processes for cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy-intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ‘financial assistance’ means a grant, rebate, direct loan, or operating costs for an eligible recipient.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available through September 30, 2023, for oversight by the Department of Energy Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $133,246,000, to carry out activities for science laboratory infrastructure projects; $389,565,000, to carry out activities for high energy physics construction and major items of equipment projects; $236,920,000, to carry out activities for fusion energy science construction and major items of equipment projects; $217,000,000, to carry out activities for nuclear physics construction and major items of equipment projects; $183,791,000, to carry out activities for advanced scientific computing research facilities; $294,500,000, to carry out activities for basic energy sciences projects; and $157,813,000, to carry out activities for isotope research and development facilities.

(b) OFFICE OF NUCLEAR SCIENCE AND CARBON MANAGEMENT.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Fossil Energy and Carbon Management.

(c) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, for the construction and operation of facilities to purify high-assay low-enriched uranium.
2022, out of any money in the Treasury not otherwise appropriated, to remain available through September 30, 2026—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for military purposes, civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281). (b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 969 of the Energy Policy Act of 2005 (42 U.S.C. 1373), use a competitive, merit-based review process in carrying out re- search, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281). (c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative expenses.

Subtitle B—Natural Resources PART I—GENERAL PROVISIONS SEC. 50211. DEFINITIONS. In this subtitle:

(1) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Interior.

(2) UNITED STATES INSULAR AREAS.—The term ‘‘United States Insular Areas’’ means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

PART II—PUBLIC LANDS SEC. 50221. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out projects for the conservation, protection, and resiliency of lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-sharing or matching requirements.

SEC. 50222. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-sharing or matching requirements.

SEC. 50223. NATIONAL PARK SERVICE EMPLOYEES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available through September 30, 2030, to hire employees to serve in units of the National Park System on national historic or national scenic trails administered by the National Park Service.

SEC. 50224. NATIONAL PARK SYSTEM DEFERRED MAINTENANCE.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects, including direct expenditures or transfers, within the boundaries of the National Park System.

PART III—DROWNTOWN RESPONSE AND CONSERVATION SECURITY ACT.

SEC. 50231. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART IV—OFFSHORE WIND SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(h) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) in an area not withdrawn by any of the following:

(1) the Presidential memorandum entitled ‘‘Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 8, 2020; or

(2) the Presidential memorandum entitled ‘‘Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 25, 2020.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.
(a) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) in subsection (a)(1)(A), by adding, after the words "subject to paragraph (2)", the words "or for which under an approved cooperative unit plan of development or operation, a lease issued under this section for land on which, or for which under an approved cooperative unit plan of development or operation, actual drilling operations were commenced and diligently prosecuted prior to the end of any 10-year period beginning on the date of enactment of this Act, except as provided in subsections (b)(1) and (c) of this Act (30 U.S.C. 226c)(c) except, and inserting "except"; and

(2) by redesignating paragraphs (3) and (4), respectively, as paragraphs (2) and (3), respectively; and

(ii) by striking paragraph (2); and

(iii) by striking subsection (e) and inserting the following:

"(e) ROYALTY REDUCTION IN REINSTATED LEASES.—In acting on a petition for reinstatement pursuant to subsection (d), the Secretary shall, by regulation, not less frequently than every 4 years, adjust the amount of the royalty payable under subparagraph (A) to reflect the change in inflation.";
(b) EXCEPTION.—Subsection (a) shall not apply with respect to—
(1) gas vented or flared for not longer than 48 hours in an emergency situation that poses a threat to human health, safety, or the environment;
(2) gas used or consumed within the area of the lease, unit, or communitized area for the benefit of the lease, unit, or communitized area; or
(3) gas that is unavoidably lost.

SEC. 50264. LEASE SALES UNDER THE 2017–2022 OUTER CONTINENTAL SHELF LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) LEASE SALE 257.—The term ‘‘Lease Sale 257’’ means the lease sale numbered 257 described in the 2017–2022 Outer Continental Shelf Oil and Gas Lease Sale 257 (86 Fed. Reg. 54728 (October 4, 2021)).

(2) LEASE SALE 258.—The term ‘‘Lease Sale 258’’ means the lease sale numbered 258 described in the 2017–2022 Outer Continental Shelf Oil and Gas Lease Sale 258 (86 Fed. Reg. 54728 (October 4, 2021)).

(3) LEASE SALE 259.—The term ‘‘Lease Sale 259’’ means the lease sale numbered 259 described in the 2017–2022 Outer Continental Shelf Oil and Gas Lease Sale 259 (86 Fed. Reg. 54728 (October 4, 2021)).

(4) LEASE SALE 260.—The term ‘‘Lease Sale 260’’ means the lease sale numbered 260 described in the 2017–2022 Outer Continental Shelf Oil and Gas Lease Sale 260 (86 Fed. Reg. 6643 (January 19, 2017)).

(5) LEASE SALE 261.—The term ‘‘Lease Sale 261’’ means the lease sale numbered 261 described in the 2017–2022 Outer Continental Shelf Oil and Gas Lease Sale 261 (86 Fed. Reg. 6643 (January 19, 2017)).

(b) ACCEPTANCE OF BIDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall promptly accept the highest valid bid for each parcel offered in the lease sale, results in the issuance of a lease.

(c) REQUIREMENT FOR LEASE SALE 259.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct Lease Sale 259 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000’’ issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(d) REQUIREMENT FOR LEASE SALE 265.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct Lease Sale 265 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000’’ issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(e) REQUIREMENT FOR LEASE SALE 269.—Notwithstanding the expiration of the 2017–2022 leasing program, not later than December 31, 2022, the Secretary shall conduct Lease Sale 269 in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000’’ issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50265. ENSURING ENERGY SECURITY.

(a) DEFERRED LEASE ISSUANCE.

(1) FEDERAL LAND.—The term ‘‘Federal land’’ means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1722)).

(2) OFFSHORE LEASE.—The term ‘‘offshore lease sale’’ means an oil and gas lease sale.

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and
(B) that, if any acceptable bids have been received for the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE.—The term ‘‘onshore lease sale’’ means a quarterly oil and gas lease sale.

(A) that is held by the Secretary in accordance with section 7 of the Mineral Leasing Act (30 U.S.C. 226); and
(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—Notwithstanding the expiration of the 2017–2022 leasing program, during the 1-year period ending on the date of the issuance of the lease for offshore wind development, and during the 1-year period ending on the date of the issuance of the lease for offshore wind development, there is appropriated to the Secretary, acting through the Director of the United States Geological Survey, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, for the acquisition of滩 right-of-way for wind or solar energy development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(1) a lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and
(2) the Secretary may not issue a lease for offshore wind development under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(a) the terms and conditions of the final notice of sale entitled ‘‘Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257’’ (86 Fed. Reg. 54728 (October 4, 2021));

(b) the terms and conditions of the final notice of sale entitled ‘‘Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 258’’ (86 Fed. Reg. 54728 (October 4, 2021));

(c) the terms and conditions of the final notice of sale entitled ‘‘Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 259’’ (86 Fed. Reg. 54728 (October 4, 2021));

(d) REQUIREMENT FOR LEASE SALE 259.—Notwithstanding the expiration of the 2017–2022 leasing program, the lease sale must be conducted in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000’’ issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

(e) REQUIREMENT FOR LEASE SALE 265.—Notwithstanding the expiration of the 2017–2022 leasing program, the lease sale must be conducted in accordance with the Record of Decision approved by the Secretary on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MMAA104000’’ issued on January 17, 2017 (82 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50266. CLEAN ENERGY RENEWABLES DEVELOPMENT.

(a) DEFERRED LEASE ISSUANCE.

(1) FEDERAL LAND.—The term ‘‘Federal land’’ means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1722)).

(2) OFFSHORE LEASE.—The term ‘‘offshore lease sale’’ means an oil and gas lease sale.

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and
(B) that, if any acceptable bids have been received for the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE.—The term ‘‘onshore lease sale’’ means a quarterly oil and gas lease sale.

(A) that is held by the Secretary in accordance with section 7 of the Mineral Leasing Act (30 U.S.C. 226); and
(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(b) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—Notwithstanding the expiration of the 2017–2022 leasing program, during the 1-year period beginning on the date of enactment of this Act, the Secretary may not issue a lease for offshore wind development on Federal land unless—

(1) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(2) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than 60,000,000 acres.

(c) SAVINGS.—Except as expressly provided in paragraphs (1) and (2) of subsection (b), nothing in this section supersedes, amends, or otherwise affects the leasing laws.
SEC. 50303. DEPARTMENT OF THE INTERIOR.
In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and personnel, the development of programmatic environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis.

(TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS)

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.
The term ‘clean heavy-duty vehicle’ means a heavy-duty vehicle as defined in section 1037.801 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this section).

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.
The Clean Air Act is amended by inserting after section 132 of such Act (42 U.S.C. 7431) the following:

(a) APPROPRIATIONS.—

(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

(b) EXPENDITURES FOR LEASE, LICENSE, OR CONTRACT FOR SERVICE.—The term ‘eligible recipient’ means—

(1) a State; or

(2) an Indian tribe;

(3) a smaller governmental entity or

(4) a nonprofit school transportation association.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

SEC. 60104. GREENHOUSE GAS REDUCTION FUND.

SEC. 60105. GAS EMISSION REDUCTION ACT OF 2022.

SEC. 60106. CLEAN AIR PORTS.

SEC. 60107. CLEAN CLIMATE ACTION PLAN.

Title VII—Committee on Environment and Public Works

Subtitle A—Air Pollution

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

SEC. 60102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

SEC. 60104. GREENHOUSE GAS REDUCTION FUND.

SEC. 60105. GAS EMISSION REDUCTION ACT OF 2022.

SEC. 60106. CLEAN AIR PORTS.

SEC. 60107. CLEAN CLIMATE ACTION PLAN.
(4) ZER O-EMISSION TECHNOLOGY. — The term ‘zero-emission technology’ means any technological process that reduces or eliminates air pollution.

(b) USE OF FUNDS. — An eligible recipient that receives a grant pursuant to subsection (a) shall—

(1) DIRECT INVESTMENT. — The term ‘eligible recipient’ means—

(A) a state, local, territorial, or tribal government;

(B) a nonprofit entity that provides financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

(4) ADMINISTRATIVE COSTS. — In addition to amounts otherwise available, there is appropriated, $30,000,000, to remain available until September 30, 2031, for the administrative costs necessary to carry out activities under this section.

(c) DEFINITIONS. — In this section:

(1) ELIGIBLE RECIPIENT. — The term ‘eligible recipient’ means—

(A) a state, local, territorial, or tribal government;

(B) a nonprofit entity that provides financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

(3) QUALIFIED PROJECT. — The term ‘qualified project’ includes any project, activity, or program that—

(A) reduces or avoids greenhouse gas emissions or other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

(B) assists communities in the efforts of those identified in subsection (a) to reduce or avoid greenhouse gas emissions and other forms of air pollution.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT. — In addition to amounts otherwise available, there is appropriated, $20,000,000, to remain available until September 30, 2031, for financial assistance and technical assistance to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

(b) INDIRECT INVESTMENT. — The eligible recipient shall—

(1) DIRECT INVESTMENT. — The eligible recipient shall—

(A) provide financial assistance to qualified projects at the national, regional, state, and local levels;

(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

(C) retain, manage, recycle, and monetize all recovered materials, revenue received from fees, interest, repaid loans, and all other forms of financial assistance provided using grant funds under this section to ensure the ongoing availability of such funds.

(2) INDIRECT INVESTMENT. — The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the state, local, territorial, or tribal level in or the District of Columbia, including community- and low-income-focused lenders and capital providers.

(3) LOW-INCOME AND DISADVANTAGED COMMUNITIES. — In this section, the term ‘low-income and disadvantaged communities’ means—

(A) communities that—

(i) are defined as low-income and disadvantaged communities by section 177 of the Clean Air Act (42 U.S.C. 7507); and

(ii) are eligible for funding under subsection (a) through (c) of section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for testing and other activities to address emissions from wood heaters.

(b) METHANE MONITORING. — In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2031, for grants for, and other activities authorized under subsection (a) through (c) of section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for monitoring emissions of methane.

(c) CLEAN AIR ACT GRANTS. — In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for grants for, and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(d) ADMINISTRATIVE COSTS. — The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to the section.

SEC. 60105. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCELIN AIR MONITORING AND SCREENING AIR MONITORING. — In addition to amounts otherwise available, there is appropriated, $175,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air toxics trend stations, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING STATIONS. — In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for monitoring, integrating, supporting, and managing air quality trend stations, and other air toxics and community monitoring.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES. — In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air toxics trend stations, and other air toxics and community monitoring.

(d) EMISSIONS FROM WOOD HEATERS. — In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for the purpose of providing assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405).
SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 109 the following:

SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031—

(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(3) $17,000,000 for industry-related outreach, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(4) $17,000,000 for outreach and technical assistance to, and partnerships with, State, Tribal, and local governments with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(5) $15,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

(6) $15,000,000 to ensure that reductions in greenhouse gas emissions are achieved through use of the existing authorities of this Act, incorporating the assessment under paragraph (5).

(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to that subsection.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride."

SEC. 60108. FUNDING FOR SECTION 211(C) OF THE CLEAN ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analysis to update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 7(j)(2) of the Clean Air Act (42 U.S.C. 7545(c)) of the Act to support investments in advanced biofuels.

SEC. 60109. FUNDING FOR IMPLEMENTATION OF TECHNICAL INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (1) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (1) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative technology and public information.

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a), the Administrator shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to that subsection.

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System (ICIS) of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants to, and other related activities under section 103 of division S of Public Law 116–260 (42 U.S.C. 7675) to support investments in advanced biofuels.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to acquire or update software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60112. ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and carry out a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations that include measurements of the embodied greenhouse gas emissions of the material or product associated with all relevant stages of production and disposal and conform with international standards, for construction materials and products by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) APPROPRIATIONS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:
(1) GREENHOUSE GAS.—The term "greenhouse gas" means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) STATE.—The term "State" has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 702(d)).

SEC. 131. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60101 of the Budget Act of 2022, the following:

"SEC. 136. METHANE EMISSIONS AND WASTE RE-

duction.

SEC. 131. METHANE EMISSIONS REDUCTION PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to any amounts otherwise appropriated, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

"(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports pursuant to subpart W of part 98 of title 40, Code of Federal Regulations;

"(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions and mitigate legacy air pollution from petroleum and natural gas systems, and provide funding for—

"(A) improving climate resiliency of communities and petroleum and natural gas systems;

"(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste; and

"(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

"(D) permanently shutting in and plugging wells on Federal and non-Federal land;

"(E) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

"(F) supporting environmental restoration; and

"(G) to cover all direct and indirect costs required to administer this section, prepare inventories, gather empirical data, and track emissions.

SEC. 132. METHANE MITIGATION FROM CONVENTIONAL WELLS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

(c) WASTE EMISSIONS CHARGE.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility that reports pursuant to paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

"(A) 0.20 percent of the natural gas sent to sale from such facility; or

"(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

SEC. 133. NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.

SEC. 134. ONSHORE NATURAL GAS TRANSMISSION.

SEC. 135. OFFSHORE PETROLEUM AND NATURAL GAS TRANSMISSION.

SEC. 136. METHANE EMISSIONS AND WASTE REDUCTION.

SEC. 137. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 60113 of this Act, the following:

"SEC. 138. CLIMATE POLLUTION PLANS AND IMPLEMENTATION GRANTS.

(a) APPLICABILITY.—

"(1) GREENHOUSE GAS EMISSIONS.

"SEC. 139. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 140. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 141. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 142. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 143. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 144. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 145. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 146. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 147. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 148. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 149. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 150. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 151. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 152. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 153. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 154. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 155. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 156. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 157. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 158. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 159. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 160. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 161. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 162. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 163. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 164. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 165. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 166. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 167. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 168. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 169. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 170. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 171. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 172. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 173. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 174. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 175. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 176. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 177. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 178. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 179. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 180. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 181. COMMUNITY OWNERSHIP OR CONTROL.

SEC. 182. COMMUNITY OWNERSHIP OR CONTROL.
until September 30, 2021, to carry out subsection (b).

"(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

"(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan that could be submitted by eligible entities in developing a plan under subsection (b), and to model the effects of plans described in this section.

"(b) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include an eligible entity's plan to achieve or facilitate the reduction of greenhouse gas air pollution, not later than 270 days after the date on which the application is submitted. The Administrator shall publish a funding opportunity announcement for grants under this subsection.

"(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

"(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

"(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee in a single payment, in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section on or before the date of the greenhouse gas air pollution reduction, as determined by the Administrator.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) an air pollution control agency;

"(C) a municipality;

"(D) an Indian tribe; and

"(E) a group of one or more entities listed in subparagraphs (A) through (D).

"(2) ELIGIBLE ACTIVITIES.—The term 'eligible activity' means any activity by an eligible entity with respect to low-income and disadvantaged communities.

"(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' includes—

"(A) a partnership between—

"(i) an Indian tribe, a local government, or an institution of higher education; and

"(ii) a community-based nonprofit organization;

"(B) a community-based nonprofit organization; or

"(C) a partnership of community-based nonprofit organizations.

SEC. 60116. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

"(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Chair of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2022, to establish programs for the development of geographic information systems and other analysis tools, techniques, and guidance to low-income and disadvantaged communities, to develop and implement plans under subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)), and for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (f) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

SEC. 60301. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

The Clean Air Act is amended by inserting after section 137, as added by subtitle A of this title, the following:

"(a) IN GENERAL.—The Administrator shall award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas by—

"(1) addressing the threat of invasive species;

"(2) increasing the resiliency and capacity of habitats and infrastructure to withstand weather events; and

"(3) reducing the amount of damage caused by weather events.

"(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $121,250,000, to remain available until September 30, 2026, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas by—

"(1) addressing the threat of invasive species;

"(2) increasing the resiliency and capacity of habitats and infrastructure to withstand weather events; and

"(3) reducing the amount of damage caused by weather events.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000 to remain available until September 30, 2026, to award grants for activities described in subsection (b); and

"(b) GRANTS.—

"(1) IN GENERAL.—The Administrator shall make grants—

"(i) to low-income and disadvantaged communities;

"(ii) to low-income and disadvantaged communities; or

"(iii) for the purposes of rebuilding and restoring units of the National Wildlife Refuge System and State wildlife management areas by—

"(A) disproportionately negatively impacted communities; and

"(B) disproportionately impacted communities.

"(2) ELIGIBLE ENTITIES.—In this subsection, the term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle D—Council on Environmental Quality

SEC. 60401. ENVIRONMENTAL AND CLIMATE DATA COLLECTION.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,750,000, to remain available until September 30, 2026—

"(1) to support data collection efforts relating to

"(A) disproportionate negative environmental harms and climate impacts; and
(B) cumulative impacts of pollution and temperature rise;
(2) to establish, expand, and maintain ef-
forts to track disproportionate burdens and cumber-
some impacts and provide academic and workforce support for analytics and infor-
matics infrastructure and data collection sys-
tems; and
(3) to support efforts to ensure that any
mapping or screening tool is accessible to
community-based organizations and com-
munity members.

SEC. 60402. COUNCIL ON ENVIRONMENTAL QUAL-
ITY EFFICIENT AND EFFECTIVE EN-
VIRONMENTAL REVIEWS.

In addition to amounts otherwise avail-
able, there is appropriated to the Chair of the
Council on Environmental Quality for fiscal
year 2022, out of any money in the Treasury
not otherwise appropriated, $30,000,000, to
remain available until Sep-
tember 30, 2026, to carry out the Council on
Environmental Quality’s functions and for
the purposes of training personnel, devel-
oping programmatic environmental docu-
ments, and developing tools, guidance, and
techniques to improve stakeholder and com-
munity engagement.

Subtitle E—Transportation and
Infrastructure

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY
GRANT PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the fol-
lowing:

"§ 177. Neighborhood access and equity grant
program

"(a) IN GENERAL.—In addition to amounts
otherwise available, there is appropriated for fiscal
year 2022, out of any money in the Treasury
not otherwise appropriated, $1,893,000,000, to remain available until Sep-
tember 30, 2026, to the Administrator of the Federal Highway Administration for com-
petitive grants to eligible entities described in subsection (b)—

"(1) to improve walkability, safety, and af-
fordable transportation access through projects that are context-sensitive—

"(A) identify, monitor, or assess local and
ambient air quality, emissions of transpor-
tation greenhouse gases, hot spot areas of
extreme heat or elevated air pollution, gaps in the cheatgrass corridor, or flood prone
transportation infrastructure;

"(B) assess transportation equity or pollu-
tion impacts and develop local anti-displace-
memts and community benefit agree-
ments;

"(C) conduct predevelopment activities for
projects eligible under this subsection;

"(D) administer or obtain technical assist-
ance related to activities described in this
subsection.

"(b) ELIGIBLE ENTITIES DESCRIBED.—An eli-
gable entity referred to in subsection (a) is—

"(1) a State;

"(2) a unit of local government;

"(3) a coalition of a State and a Unit of
local government;

"(4) an entity described in section
207(m)(1)(E);

"(5) a territory of the United States;

"(6) a special purpose district or public
authority with a transportation function;

"(7) a metropolitan planning organization
(as defined in section 134(b)(2)); or

"(8) with respect to a grant described in
subsection (a), in addition to an eligible entity described in paragraphs (1) through
(7), a nonprofit organization or institution of higher education that has entered into a
partnership with an eligible entity described in paragraphs (1) through (7).

"(c) FACILITY DESCRIBED.—A facility re-
ferred to in subsection (a) is—

"(1) a surface transportation facility for
which high speeds, grade separation, or
other design factors create an obstacle to
connectivity within a community; or

"(2) a surface transportation facility which
is a source of air pollution, noise, storm-
water, or other burden to a disadvan-
taged or underserved community.

"(d) INVESTMENT IN ECONOMICALLY
DISADVANTAGED COMMUNITIES.

"(1) IN GENERAL.—In addition to amounts
otherwise available, there is appropriated for fiscal
year 2022, out of any money in the Treasury
not otherwise appropriated, $1,262,000,000, to remain available until Sep-
tember 30, 2026, to the Administrator of the Federal Highway Administration to provide
grants for projects in communities described in paragraphs (1) through (7).

"(2) COMMUNITIES DESCRIBED.—A com-

munity referred to in paragraph (1) is a com-
munity that—

"(A) is economically disadvantaged, under-

served, or located in an area of persistent
poverty;

"(B) has entered or will enter into a com-

munity benefits agreement with representa-

tives of the affected public;

"(C) has an anti-displacement policy, a
community land trust, or a community advi-
sory board in effect; or

"(D) has demonstrated a plan for employ-
ing local residents in the area impacted by
this activity or project proposed under this
section.

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—A project carried out
under subsection (a) or (d) shall be treated as a
project on a Federal-aid highway.

"(2) COST SHARE.—Funds made available for
a grant under this section and administered by
or through a State department of transpor-
tation shall be treated in accordance with the
U.S. Department of Transportation’s Disadvantaged Business Enterprise Program.

"(f) COST SHARE.—The Federal share of the
cost of an activity carried out using a grant
awarded under this section shall not be more
than 80 percent, except that the Federal
share of an activity carried out using amounts
appropriated or available to a disadvantaged or underserved community may be up to
100 percent.

"(g) TECHNICAL ASSISTANCE.—In addition to
amounts otherwise available, there is appro-
riated for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $50,000,000, to remain available until
September 30, 2026, to the Administrator of the Federal Highway Administration for—

"(1) guidance, technical assistance, tem-
plates, training, or tools to facilitate effi-
cient and effective planning and project delivery by units of local govern-
ment;

"(2) subgrants to units of local government
to build capacity of such units of local gov-
ernment to assume responsibilities to deliver
surface transportation projects; and

"(3) operations and administration of the
Federal Highway Administration.

"(h) LIMITATIONS.—Amounts made avail-
able under this section shall not—

"(1) be subject to any requirement or limita-
tion on the total amount of funds available for imple-
mentation or execution of programs
authorized for Federal-aid highways; and

"(2) be used for a project that is additional
through travel lanes for single-occupant pas-

cenger vehicles.”.

(b) CLERICAL AMENDMENT.—The analysis
for chapter 1 of title 23, United States Code, is amended by adding at the end the fol-

lowing:

"§ 177. Neighborhood access and equity grant
program.”.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILD-
ings.

In addition to amounts otherwise avail-
able, there is appropriated for fiscal year
2022, out of any money in the Treasury
not otherwise appropriated, $250,000,000, to
remain available until September 30, 2021, to
be deposited in the Federal Buildings Fund
established under section 592 of title 40, United States Code, for measures
necessary to convert facilities of the Administrator of General Services to high-performance green
buildings (as defined in section 401 of the En-
ergy Independence and Security Act of 2007
(42 U.S.C. 17061)).

SEC. 60503. USE OF LOW-CARBON MATERIALS.

In addition to amounts otherwise avail-
able, there is appropriated for fiscal year
2022, out of any money in the Treasury
not otherwise appropriated, $200,000,000, to
remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, to ac-
cquire and install materials and products for
use in the construction or alteration of buildings under the jurisdiction, custody,
and control of the General Services Adminis-
tration that have substantially lower levels of embodied greenhouse gas emissions asso-
ciated with all relevant stages of production,
use, and disposal as compared to estimated
industry averages of similar materials or
products, as determined by the Admin-
istrator of the Environmental Protection
Agency.

DEFINITION OF GREENHOUSE GAS.—In this
section, the term “greenhouse gas” means the air pollutants carbon dioxide,
hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.
otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for emerging and sustainable technologies, and related sustainable and environmental programs.

SEC. 60505. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) In general.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§ 179. Environmental review implementation funds

"(a) Establishment.—In addition to amounts otherwise available, for fiscal year 2022, $2,000,000,000, to remain available until September 30, 2026, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

"(1) the provision of guidance, technical assistance, templates, training, or tools to facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section;

"(2) providing funds made available under this subsection to eligible entities—

"(A) to build capacity of such eligible entities to conduct environmental review processes;

"(B) to facilitate the environmental review process for proposed projects by—

"(i) defining the scope or study areas;

"(ii) identifying impacts, mitigation measures, and reasonable alternatives;

"(iii) planning and environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

"(iv) conducting public engagement activities; and

"(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a project; and

"(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

"(b) Reimbursement of incremental costs; incentives.—

"(1) In general.—The Administrator shall, subject to the availability of funds, either—

"(A) reimburse or provide incentives to eligible recipients that use low embodied carbon construction materials and products on a project funded under this title;

"(B) Reimbursement and incentive amounts.—

"(i) Incremental amount.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

"(ii) Incentive amount.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the incremental cost of using low embodied carbon construction materials and products on a project funded under this title.

"(B) Other restrictions.—Amounts made available under this subsection shall be subject to the following:

"(i) The requirement of section 139(a)(5).

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) In general.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§ 179. Low-carbon transportation materials grants

"(a) Federal Highway Administration Appropriation.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients that use low embodied carbon construction materials and products on a project funded under this title.

"(b) Reimbursement and incentive amounts.—

"(1) Incremental amount.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

"(2) Incentive amount.—The amount of an incentive under paragraph (1) shall be equal to 2 percent of the incremental cost of using low embodied carbon construction materials and products on a project funded under this title.

"(B) Other restrictions.—Amounts made available under this subsection shall be subject to the following:

"(i) The requirement of section 139(a)(5).

"(C) Definitions.—In this section:

"(1) Administrator.—The term ‘Administrator’ means the Administrator of the Federal Highway Administration.

"(2) Eligible recipient.—The term ‘eligible recipient’ means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 203; or

"(G) a metropolitan planning organization (as defined in section 134(b)(2)).

"(D) Eligible uses.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70001. DHS OFFICE OF CHIEF READINESS SUPPORT.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2028, for the Office of the Chief Readiness Support Officer to carry out sustainability and environmental programs.

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,170,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles.

SEC. 70003. UNITED STATES POSTAL SERVICE FISCAL SECURITY AND GOVERNMENTAL AFFAIRS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code:

$1,290,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

SEC. 70004. GOVERNMENT ACCOUNTABILITY OFFICE.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.
SECTION 70005. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $350,000,000 for fiscal year 2022, to remain available until September 30, 2031.

TITLE VIII—COMMITTEE ON INDIAN AFFAIRS

SECTION 80001. TRIBAL CLIMATE RESILIENCE AND ADAPTATION.

(a) Tribal Climate Resilience and Adaptation.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.

(b) Bureau of Indian Affairs Fish Hatcheries.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

(c) Administration.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

SECTION 80002. NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.

(a) Native Hawaiian Climate Resilience and Adaptation.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior, through the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Native Hawaiian climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) Administration.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior, through the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, for Native Hawaiian climate resilience and adaptation programs.

SECTION 80003. TRIBAL ELECTRIFICATION PROGRAM.

(a) Tribal Electrification Program.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for Tribal electrification projects.

(b) Bureau of Indian Affairs Fish Hatcheries.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

(c) Administration.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, for fish hatchery operations and maintenance programs of the Bureau of Indian Affairs.

SECTION 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) Emergency Drought Relief for Tribes.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) Cost-Sharing and Matching Requirements.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

TITLE IX—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SECTION 90001. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR INSULIN PRODUCTS.

(a) In General.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–11 et seq.) is amended by adding at the end the following:

"SEC. 27959A–1. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

"(a) In General.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group or individual health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

"(1) apply any deductible; or

"(2) impose any cost-sharing in excess of, per 30-day supply—

"(A) for any applicable plan year beginning before January 1, 2024, $35; or

"(B) for any plan year beginning on or after January 1, 2024, the lesser of—

"(i) $35; or

"(ii) the amount equal to 25 percent of the negotiated price of the selected insulin product of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services or services related to, or in connection with, as pharmacy benefit management services.

"(b) Definitions.—In this section:

"(1) Selected Insulin Products.—The term ‘selected insulin products’ means insulin that is marketed under subsection (a) or (k) of section 351 and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) pursuant to

SEC. 503(h)(4) or a self-compromise compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5394(a)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SECTION 80005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SECTION 70006. FEMA BUILDING MATERIALS PROGRAM.

Through September 30, 2026, the Administrator of the Federal Emergency Management Agency shall make financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5153(h), 42 U.S.C. 5172(a)(2), and 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects.

SECTION 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2031, for Tribal climate resilience and adaptation programs.

SEC. 70006. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $220,000,000, to remain available until September 30, 2026, for necessary expenses to—

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. FEMA BUILDING MATERIALS PROGRAM.

Through September 30, 2026, the Administrator of the Federal Emergency Management Agency shall make financial assistance under sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5153(h), 42 U.S.C. 5172(a)(2), and 42 U.S.C. 5172(b)) for—

(1) costs associated with low-carbon materials; and

(2) incentives that encourage low-carbon and net-zero energy projects.

SEC. 70007. FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL ENVIRONMENTAL REVIEW IMPROVEMENT FUND MANDATORY FUNDING.

In addition to amounts otherwise available, there is appropriated to the Federal Permitting Improvement Steering Council Environmental Review Improvement Fund, out of any money in the Treasury not otherwise appropriated, $350,000,000 for fiscal year 2023, to remain available through September 30, 2031.
section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 and continues to be marketed pursuant to such

"(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide ben-

fits for products described in this section that are delivered by an out-of-

network provider, or precludes a plan or issuer that has a network of providers from imposing cost-sharing other than the levels specified in subsection (a) for selected insulin products, in that section that are delivered by an out-of-

network provider.

"(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health

insurance issuer from imposing cost-sharing other than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

"(e) APPLICABILITY TO DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.

"(f) TERMINOLOGY.—For purposes of subsection (a), 'selected insulin products' means insulin products that are not selected insulin products, to the extent that such coverage is otherwise permitted under Federal and applicable State law.

"(g) COVERAGE OF CERTAIN INSULIN PRODUCTS.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(2)) is amended by adding at the end the following subparagraph:

"(D) SPECIAL RULE RELATING TO INSULIN COVERAGE.—For plan years beginning on or after January 1, 2024, the exemption of coverage for selected insulin products (as defined in section 279A–11(b) of the Public Health Service Act) from the application of any deductible pursuant to section 279A–11(a)(1) of such section (section 726(a)(1) of the Employee Retirement Income Security Act of 1974, or section 9828(a)(1) of the Internal Revenue Code of 1986) shall not be considered when determining the actuarial value of a qualified health plan under this subsection.

"(h) COVERAGE OF CERTAIN INSULIN PRODUCTS.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

"(A) IN GENERAL.—Notwithstanding paragraph (1)(B)(ii), a health plan described in paragraphs (1)(B)(ii) and (3)(A) providing certain insulin products, in accordance with section 279A–11 of the Public Health Service Act, for a plan year before an enrolled ind

ividual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year.

"(B) TERMINOLOGY.—For purposes of subparagraph (A)—

"(i) the term 'selected insulin products' has the meaning given such term in section 279A–11(b) of the Public Health Service Act; and

"(ii) the requirements of section 279A–11 of such Act shall be applied by deeming each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1)(i).

"(B) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

"(1) apply any deductible; or

"(2) impose any cost-sharing in excess of, for any applicable plan year beginning on or after January 1, 2024, $35; or

"(b) DEFINITIONS.—In this section:

"(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each dosage form (such as vial, pump, or inhaler dosage forms) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

"(2) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under sub-

section (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such section, including any insulin product that has been deemed to be licensed under section 351(a) of such Act pursuant to section 7002(e)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensing.

"(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide ben-

fits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

"(d) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan from im-

posing cost-sharing other than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

"(e) APPLICATION OF COST-SHARING TO DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.

"(f) CLERICAL AMENDMENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by adding after the item relating to section 725 the following new item:

"(g) IMPLEMENTATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall implement the provisions of this section by means within the scope of this section, through regulatory guidance or program instruction.
The acting president pro tempore. The junior senator from Vermont.

Amendment No. 5210 to Amendment No. 5210.

Mr. Sanders. Madam President, I call up my amendment No. 5210. The Acting President pro tempore, the junior senator from Vermont, will report.

The legislative clerk read as follows:

The Senate from Vermont [Mr. Sanders], for himself and Mr. Merkley, proposes an amendment numbered 5210 to amendment No. 5100.

Mr. Sanders. Madam President, I ask unanimous consent to dispense with the reading of the amendment.

The Acting President pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a cap on costs for covered prescription drugs under Medicare parts B and D)

Strike part 1 of subtitle B of title I and insert the following:

PART 1—CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D

SEC. 11001. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PART B AND D.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"SEC. 1999C. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDICARE PARTS B AND D.

"(a) IN GENERAL.—In no case may the amount of payment for a drug or biological furnished on or after January 1, 2023, exceed the maximum payment amount applicable to the covered part D drug per prescription under section 1899c.

"(b) MANUFACTURER REQUIREMENT.—In order for coverage to be available under part B for a drug or biological of a manufacturer or under covered part D drug of a manufacturer, the manufacturer must agree to provide such drug or biological to providers of services and suppliers under part B or such covered part D drug to prescription drug plans under part D for an amount that does not exceed the maximum payment amount applicable under subsection (a).

"(c) ACCESS TO PRICING INFORMATION.—The Secretary of Veterans Affairs and the Administrator of General Services shall provide to the Secretary of Health and Human Services the information described in paragraphs (1) and (2), respectively, of subsection (a) and such other information as the Secretary of Health and Human Services may request in order to carry out this section.

"(d) EFFECTIVE DATE.—This section shall apply with respect to drugs furnished or dispensed on or after January 1, 2023.

(b) CONFORMING AMENDMENTS.—

(1) APPLICATION UNDER PART B.—Section 1947a of the Social Security Act (42 U.S.C. 1395w–4a), as amended by section 11010, is amended—

(A) in subsection (b)(1), by striking "and (e)" and inserting "(e), and (i)";

(B) by redesignating subsection (j) as subsection (k); and

(C) by inserting after subsection (l) the following subsection:

"(j) APPLICATION OF CAP ON COSTS FOR PART B DRUGS.—Notwithstanding the preceding provisions of this subsection, the amount of payment under this section for a drug or biological furnished on or after January 1, 2023, shall not exceed the maximum payment amount applicable to the drug or biological under section 1899c.

"(2) APPLICABLE COST PERIOD.—For purposes of this section, the term "applicable cost period" means the period during which the drug or biological is furnished or dispensed on or after January 1, 2023.

"(3) APPLICATION OF CAP.—For purposes of this section, the maximum payment amount applicable to the covered part B drug or biological shall be determined by the Secretary in accordance with this section.

"(4) ADMINISTRATION.—The Secretary shall administer this section in accordance with this section."
family-like my father, who never made enough money—to earn enough money to take care of his kids and the family. Today, that is a rarity. Today, it is necessary in almost all cases for two workers in a family to have to go out to work to make ends meet.

Today, despite the huge increases in our economy, despite the tremendous explosion of technology, everything being equal, our younger generation will have a lower standard of living than their parents—having a harder time finding a job and having a harder time affording being able to have a family. Imagine that. Our younger generation having a lower standard of living than their parents.

Half of our people today live paycheck to paycheck, and many millions are working for starvation wages: 9, 10, 11 bucks an hour. Further, many workers around the country who want to join a union and engage in collective bargaining at companies like Starbucks, Walmart, and Amazon, and other places are facing fierce and illegal anti-union resistance. I have to say that this legislation does not address any of their needs.

This legislation does not address the reality that we have more income and wealth inequality today than at any time in the last 100 years, where three people own more wealth than the bottom half of America; doesn’t address the fact that 95 percent of all new income is going to the top 1 percent; doesn’t address the reality that CEOs of major corporations are making 350 times what their workers are making.

I think everybody knows that we have a completely dysfunctional healthcare system. We now spend over $12,000 a year per person—more than double what other countries spend.

Today, over 70 million Americans are uninsured or underinsured, and there are studies out there that say that somewhere a year die because they are uninsured or underinsured, and they don’t get to a doctor on time. Meanwhile, every year, the insurance companies make tens of billions of dollars in profit.

So we have a system in which the cost is outrageously high, people are dying because they don’t get to a doctor on time. This bill does nothing to address the systemic dysfunctionality of the American healthcare system. It does nothing.

In terms of our kids—the future of our Nation—shamefully, we have the highest rate of childhood poverty of almost any major nation on Earth. This bill, as currently written, does nothing to address that crisis.

Our childcare system is dysfunctional. If a working family is lucky enough to find a slot for their young one, on average, they will pay about $15,000 a year for childcare, an impossibly high sum of money. Imagine that. Fifteen thousand dollars a year for childcare if you are making 40 or 50,000 bucks. That is an absurd sum of money. Yet this bill turns its back on the working parents of the country and our children, does not even begin to address the childcare or pre-K crisis that we face.

A nation will be as great and competitive as its educational system. Yet, too many of our bright young kids all across this country are unable to afford a higher education. Imagine that. In the richest country in the history of the world, when we need the best educated workforce possible, you have got hundreds of thousands of young people who cannot afford a higher education. And we have 45 million Americans who are struggling with student debt, sometimes outrageous levels of student debt. This bill, as currently written, does nothing to address it.

Today, millions of elderly Americans and half of our senior citizens are trying to survive on $25,000 a year or less. Millions of senior citizens are unable to afford to go to a dentist. Imagine that. A working country on Earth, elderly people can’t afford to go to a dentist. Their teeth are rotting in their mouth; they can’t afford hearing aids in order to hear what their kids, grandchildren have to say; and they can’t afford eyeglasses that they need. This legislation does nothing to address that issue. It does nothing to expand Medicare to cover those very basic healthcare needs. The result, millions of seniors will continue to have rotten teeth and lack the dentures, hearing aids, or eyeglasses they deserve.

I hear this all the time in Vermont, and I expect my colleagues hear it as well, so many—so many—of our elderly or disabled people would much prefer to stay in their homes rather than be forced into nursing homes. They need someone to come to their home to help them with their basic needs. I don’t think anyone denies that we have a major crisis in home healthcare, and the people who are doing home healthcare now are not doing it all—are usually overworked and underpaid.

This bill, as currently written, does nothing to address that crisis. Again, no debate; everybody agrees that we have a major housing crisis in America. Some 600,000 people are homeless, sleeping out on the streets in every State in this country. In addition to the homeless issue, nearly 18 million households are paying 50 percent or more of their limited incomes for housing. Imagine what that means when you don’t have any money to do anything else when you are paying 50 percent of your limited income for housing. Yet this bill does nothing to address the major housing crisis that we face or build one unit of safe and affordable housing—just another issue that we push aside.

And I would say—and every working person understands this—that while ordinary people are struggling with childcare, with healthcare, with housing, with the basic necessities of life, the people on top today are doing phenomenally well. During the pandemic alone, the billionaire class saw an almost $2 trillion increase in their wealth.

So that, in a snapshot, is where we are as a nation today: Working people are hurting; in many ways, their standard of living is in decline; and people on the other side of the beltway, that doesn’t mean much. But what it does mean is that, unlike regular legislation here in the Senate, this bill does not require 60 votes to get passed. All we need to get this bill passed are 50 votes, plus the Vice President, if it is a tie.

Now, I say this in all honesty, that it is extremely sad to me—and I think the American people—that up to this point, we have not had one Republican come forward and say: You know what? Let’s do the things that are facing working families.

That takes us to where we are this evening. The importance of the bill that we are considering this evening is that it is not a normal—not a regular piece of legislation. It is a reconciliation bill. I know that nobody outside of the beltway, that doesn’t mean much. But what it does mean is that, unlike regular legislation here in the Senate, this bill does not require 60 votes to get passed. All we need to get this bill passed are 50 votes, plus the Vice President, if it is a tie.

But here is the truth: If all 50 Members of the Democratic caucus were to stand together today, we could pass some enormously important amendments, which would have a profound impact on improving the lives of working people in our country and maybe, just maybe, could begin the process of restoring faith in our democracy.

Poll after poll makes it clear that not only are the American people hurting, they want Congress to take bold action to improve their lives. And under the budget reconciliation process, we have the opportunity to do it. If one single member of the House or Senate—some—not all, some—of the major crises facing working families.

It is absolutely imperative that we show the American people that we are capable of representing the ordinary people, not just billionaire campaign contributors, not just lobbyists but ordinary people who are hurting today. And if we cannot do that, not only will people continue to hurt and suffer, but, to my mind, it is questionable for how long we remain a democracy.

Let me say a few words about what is in this legislation, a bill which has some good features but also, in my view, has some very bad features. This bill deals with three major areas: prescription drugs, climate, and taxation. Let me deal with at least two of them.
Prescription drugs. Now, I know that in Vermont, and I suspect in Wisconsin and all over this country, people are outraged at the fact that they are paying so much for prescription drugs. They are outraged that in some cases, we pay 10 times more than Canada and other countries for the same exact product.

Now, the good news is that this bill, this reconciliation bill, will do what should have been done many years ago—something that many of us called for many years ago—in that it will allow Medicare to begin negotiating prescription drug prices with the pharmaceutical industry.

Now, that is not a radical idea. That is an idea that exists in probably every other major country on Earth, and that is why their prices are so much lower. They don’t let the drug companies charge any price that they want. That is the good news.

But here is the bad news, and we must be honest about it: At a time when so many of our people cannot afford the prescription drugs they need, one out of four Americans can’t even fill the prescriptions their doctors write, this Medicare-negotiating provision to cut the price for 4 new classes of drugs at which time only 10 drugs will be negotiated, with more to come in later years. So if anybody thinks that as a result of this bill we are suddenly going to see lower prices for Medicare, you are not going to get any news in the next year, the year after, the year after, and the year after that. By the way, given the incredible power of the pharmaceutical industry, I would suspect even money that they will figure out a way to get around this provision if it takes 4 years to implement.

Furthermore, this provision will have no impact on the prices for those Americans who are not on Medicare. So if you are under 65, this bill will not impact you and the drug companies will be able to continue to go on their merry way and raise prices to any level that they want.

Under this bill, at a time when the drug companies are enjoying huge profits, the pharmaceutical industry will still be allowed to charge the American people by far the highest prices in the world for prescription drugs.

So that is the reality of this bill. What do we do? Well, if we are serious about reducing the price of prescription drugs, we know exactly how we can do it.

For over 30 years, the Veterans’ Administration has been negotiating with the pharmaceutical industry to lower the prices of prescription drugs. Moreover, for decades, virtually every other country on Earth has been doing the same thing. The result of where we are today is that Medicare pays twice as much for the exact same prescription drugs as the VA and people all over this country. In some cases, as I mentioned earlier, we may pay up to 10 times as much for a particular drug.

In other words, to reduce the price of prescription drugs under Medicare, we do not have to reinvent the wheel; we could simply require Medicare to pay no more for prescription drugs than the VA. That is not a radical idea; that is a simple idea. The Agency has the data and is doing what they are doing for 30 years. All we have to do is have Medicare do the same. If we did that, we could literally cut the price of prescription drugs under Medicare in half in a matter of months, not years.

That is why I am introducing an amendment today to do just that. Under this amendment, we could save Medicare $900 billion over the next decade. This is nine times—nine times—the more watering down of our weak negotiation provisions currently in the bill. We could save $900 billion by negotiating rather than $100 billion.

The reason that we pay the highest prices in the world for prescription drugs is not hard to understand. During the past 20 years, the pharmaceutical industry has spent over $5 billion on lobbying and over half a billion dollars in campaign contributions. Further, the pharmaceutical industry has spent over $1 billion on unprecedented lobbying effort in Washington and in States all across this country.

Now, what is unbelievable—if you want to know what a corrupt political system is about, if you want to know what money in politics is about, if you want to know what corporate greed is about, if you want to know why we pay the highest prices in the world for prescription drugs, please understand that right now, at this moment, the pharmaceutical industry has more than 170,000 people on Capitol Hill to protect their interests, including former congressional leaders of both major political parties. They buy Democratic leaders; they buy Republican leaders; they buy former Members of Congress—1,700 well-paid lobbyists—to make sure they continue to rip off the American people and charge us the highest prices in the world for prescription drugs. That is over 3 lobbyists for every 1 Member of Congress, 553 Members of Congress, 1,700 lobbyists.

(Mr. WHITEHOUSE assumed the Chair.)

Mr. President, just yesterday—now, this is really interesting, and I think it brings it all out—the CEO of PhRMA, whose name is Stephen Ubl, I think, basically said—and I appreciate his honesty and straightforwardness—he said anybody who votes even for this incredibly tepid bill—he said: We are going to go after you. He stated—and I love the way he said it:

Few associations have all the tools of modern political advocacy at their disposal in the way that PhRMA does.

In other words, yes, if you dare to vote in any way to lower the cost of prescription drugs, we are going to spend all of the money we have—and we have endless, unlimited amounts of money—against you. That is what a corrupt political system is about. That is what corporate greed is about, basically the CEO of PhRMA saying: You vote for this bill, you can expect millions and millions of dollars of 30-second ads against you. That is where we are in this state of our democracy today.

Prescription drugs is a huge issue, but it is not the only issue that is dealt with inadequately in this legislation. It is my view, I think it is the view of the majority of the American people, and it is certainly the view of the scientific community that climate change is an existential threat to the planet. Now, that sounds like a big word, “existential,” but what it means is that if we do not get our act together, it may not be a planet that is healthy and habitable for our children and grandchildren. It is very fundamental. Do we protect future generations?

This legislation provides $370 billion over the next decade for fossil fuel industries to burn fossil fuels and make the world more unlivable over the next 10 years on top of the $15 billion in tax breaks and corporate welfare they already receive every year.

Interestingly enough, that may well be the reason why BP, one of the largest oil companies in the world, supports this bill. It is the reason why Shell, another huge oil company, supports this bill. It is the reason why ExxonMobil is pleased by many of the provisions included in this deal. So we ought to think a little bit about what it means when major oil companies that are in the process of destroying this planet support this legislation.

Under this bill, up to 700 million acres of public waters must be offered up for sale each and every year to the oil and gas industry before—the Federal Government can approve any new offshore wind development. To put that in perspective, 60 million acres is the size of the State of Michigan. Further, under this bill, up to 2 million acres of public land must be offered up for sale each and every year to the oil and gas industry before leases can move forward for the next 10 years on top of the $15 billion in tax breaks and corporate welfare they already receive every year.

More than 1 billion acres of public lands must be offered up for sale each and every year to the oil and gas industry before leases can move forward for the next 10 years on top of the $15 billion in tax breaks and corporate welfare they already receive every year.

Mr. President, I do not want to close by talking about the fossil fuel industry, but I will say this: If you are going to vote to spend $900 billion on lowering the cost of prescription drugs, you ought to consider voting for a majority of the American people, who are concerned about the climate crisis.

Mr. President, I do not want to close by talking about the fossil fuel industry, but I will say this: If you are going to vote to spend $900 billion on lowering the cost of prescription drugs, you ought to consider voting for a majority of the American people, who are concerned about the climate crisis.
public lands and waters to oil and gas drilling over the next decade—far more than the oil and gas industry could possibly use.

And that is not all. The fossil fuel industry will not just benefit from the provisions in the reconciliation bill as currently written; a deal has also been reached to make it easier for the fossil fuel industry to receive permits for their oil and gas projects. This deal would approve the $6.6 billion Mountain Valley Pipeline, a fracked gas pipeline that would span over 300 miles from West Virginia to Virginia and potentially on to North Carolina. This is a pipeline that would generate emissions equivalent to that released by 37 coal plants or by over 27 million cars each and every year.

Let me quote from a July 29 letter from over 350 environmental organizations, including Friends of the Earth, Food & Water Watch, and the Climate Justice Alliance, expressing concerns about this bill, and I quote:

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are rippling across the country as we speak. We are out of time. Therefore, we’re calling on you to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting new federal offshore oil and gas leases in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

These 350 organizations—calling on you—

That is the President, leadership of Congress—
to fulfill your promise to lead on climate, staring with denying approvals for the Mountain Valley Pipeline, rejecting all new federal fossil fuel leases onshore, in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Mr. President, I would ask unanimous consent to print the full letter into the RECORD.

There being no objection, the material ordered to be printed in the Record, as follows:

July 29, 2022.

Re: Hold the line against fossil fuel expansion.

Dear President Biden and Majority Leader Schumer: As frontline communities and organizations with millions of members and supporters, we thank you for your tireless efforts to secure a climate deal with meaningful climate crisis solutions that will not lock us into a dying fossil fuel economy.

At the same time, we respectfully urge you to reject any handouts to the fossil fuel industry. Put simply: you cannot address the climate emergency by sacrificing communities, expanding fossil fuel production and embracing fossil fuel industry scams like carbon capture, fossil fuel hydrogen, and carbon offsets.

Any approval of new fossil fuel projects or fast-tracking of fossil fuel permitting is incompatible with climate leadership. Oil, gas and coal production are the core drivers of the climate and extinction crises. There can be no new fossil fuel leases, exports, or infrastructure if we have any hope of preventing ever-worsening climate crises, catastrophic floods, deadly wildfires, and more—all of which are rippling across the country as we speak. We are out of time. Therefore, we’re calling on you to fulfill your promise to lead on climate, starting with denying approvals for the Mountain Valley Pipeline, rejecting new federal offshore oil and gas leases in the Gulf of Mexico, in Alaska, and everywhere else, and preventing any fast-tracked permits for fossil fuel projects.

Permitting new fossil fuel projects will further entrench us in a fossil fuel economy for decades to come—and constitutes a violent betrayal by the government that harms countless communities across the country. Unleashing executive powers should be pursued in concert with and not instead of bold critical climate legislation, and vice versa.

We respectfully implore you to hold the line against any new fossil fuel projects, reject handouts to oil and gas companies, and use every tool available to advance a truly just, renewable energy future that does not sacrifice our communities.

Sincerely,

A Community Voice; Action for the Earth of Unity Church Unitarian; Action for the Climate Emergency, San Gabriel Valley; AFG E Local 794; Alabama Interfaith Power & Light; All Our Energy; Allamakee County Protectors—Education Campaign; Alliance for Affordable Energy; Amazon Watch; American Friends Service Committee; American Jewish World Service; Animals Are Sentient Beings Inc. Anthropocene Alliance; Association of Young Americans (AYA); Azul; Ban Single Use Plastics; Beacon EU Congregation in Summit; Bergen County Immigration Strategy Group; Berkeley Gas Truth; Between the Waters; Beyond Extreme Energy; Beyond Plastics; Big River Concern; Black Warrior Riverkeeper; Bold Alliance; Breast Cancer Action; Bronx Greens/Green Party of NY; Bronx Jews for Climate Action; California Communities Against Toxics; Californians for Western Wilderness; Carrizo Comecrud Tribal Nation of Texas; CASE; Center for Biolographic Diversity; Center for International Environmental Law; Central Jersey Coalition Against Endless War; CERBAT; Change Begins With ME (Indivisible); Chapel Hill Organization for Clean Energy; Cheyenne River Grassroots Collective; Chicago African Area Peace Action (CAPA); Christians Against War; Churches of the Mountains; Church Women United in New York State; Citizens Action Coalition of Montana; CITIZEN ME: New York; Citizens' Energy Action Los Angeles; City Year; Clean Energy Action; Clean Energy Action (New Mexico); Clean Air Coalition of Albany County; Clean Energy Action; Climate and Community Project; Climate Hawks Vote; Climate Justice Alliance; ClimateMama; Coal River Mountain Watch; Coalition Against Death Row; Community Action Network (NJ); Coalition for Outreach; Policy & Educationstyle=

Code Red Hudson Highlands; CODEPINK; CURE Clean Up the River Environment; Dayenu: A Jewish Call to Climate Action; DC Environmental Network; Democracy Out Loud; Democratic Socialists of America -Knoxville TN; Des Moines County Farmers and Neighbors for Optimal Health; Direct Action Everywhere; Don’t Gas the Meadowlands Coalition; Earth Care Alliance, Sonoma Valley Earth Ethics, Inc.; Earthworks; East Bay Community Solar Project; East End Action Network; Eco-Eating; Ecoaction Committee of the Green Party of the United States; EcoPoetry.org; Eight Rivers Council; Elders Climate Action; Elders Climate Action FL Chapter; Eliders Climate Action FL Chapter; Eligins & Friends Against Fracking; Emerson Unitarian Universalist Church; Empower Our Future; Endangered Species Coalition; Environmental Concerns Committee; Kendal at Oberlin; Environmental LEED.

EOF; Extinction Rebellion Austin; Extinction Rebellion Delaware; Extinction Rebellion San Francisco Bay Area; Extinction Rebellion Seattle; FACTS—Families Advocating for Chemical and Toxics Safety; Fairbanks Climate Action; Fairbanks Environmental Coalition; Fairbanks Rodeo United to Defend the Environment; CURE Clean Up the River Environment; Dayenu: A Jewish Call to Climate Action; DC Environmental Network; Democracy Out Loud; Democratic Socialists of America -Knoxville TN; Des Moines County Farmers and Neighbors for Optimal Health; Direct Action Everywhere; Don’t Gas the Meadowlands Coalition; Earth Care Alliance, Sonoma Valley Earth Ethics, Inc.; Earthworks; East Bay Community Solar Project; East End Action Network; Eco-Eating; Ecoaction Committee of the Green Party of the United States; EcoPoetry.org; Eight Rivers Council; Elders Climate Action; Elders Climate Action FL Chapter; Eligins & Friends Against Fracking; Emerson Unitarian Universalist Church; Empower Our Future; Endangered Species Coalition; Environmental Concerns Committee; Kendal at Oberlin; Environmental LEED.

Friends of the Earth; George Mason University Center for Climate Change Communication; Georgia Conservancy; Global Development and Environment Institute; Global Zero; Good Neighbor Steering Committee of Benicia; Grassroots Global Justice Alliance; Greater Bighorn Basin Citizens; Greater New Orleans Climate Reality Project; Greater New Orleans Housing Alliance; Greater New Orleans Interfaith Climate Coalition; Green Education and Legal Fund; Green Party of Nassau County; Green Party of Onondaga County; Green Sanctuary Committee of the Unitarian Universalist Congregation of Greater Boise; GreenFaith; GreenLatinos; Greenpeace USA; Greenvets.

Hair on Fire Oregon; Healthy Gulf; Healthy Ocean Coalition; Heartwood & Hells Kitchen Democrats; Honor the Earth; Humboldt Unitarian Universalist Fellowship’s Climate Action Campaign; Ikuya Collective; inclusive Louisiana; Indigenous Environmental Network; Indigenous Lifeways; Invisible Howard County MD; Invisible Sand Jose; Institute for Agriculture and Trade Policy; Institute for Agriculture Trade Policy Program; Institute of the Blessed Virgin Mary; Institute of the Blessed Virgin Mary—Loreto Generalate; Integrated Communities; International Student Environmental Coalition; Kitchen Democrats; Honor the Earth; Humboldt Unitarian Universalist Fellowship’s Climate Action Campaign; Ikuya Collective; inclusive Louisiana; Indigenous Environmental Network; Indigenous Lifeways; Invisible Howard County MD; Invisible Sand Jose; Institute for Agriculture and Trade Policy; Institute of the Blessed Virgin Mary; Institute of the Blessed Virgin Mary—Loreto Generalate; Integrated Communities; International Student Environmental Coalition.
In the shadow of the fossil fuel industry, millions of dollars in corporate welfare are pouring into a sector that is poisoning our planet. That is why I will be introducing an amendment to expand the $300-a-month child tax credit, but unfortunately that was not continued in this year, and I think it needs to do so.

In a reconciliation bill, where we only need 50 votes and the Vice President, we have the capability, if we pass these amendments, of taking a giant step forward not only in addressing the needs of our kids, our elderly, and working families but in maybe—just maybe—beginning to restore the confidence of the American people in their democracy, in believing that their elected officials are listening to them and working to address the existential threat of climate change.

Let me say a word about some of the other amendments that I will be introducing. I will be introducing an amendment that is wildly popular—the concept is wildly popular—and that is to expand Medicare to include dental, vision, and hearing benefits. This amendment is fully paid for by demanding that the wealthiest people start paying their fair share of taxes.

Further, I will be introducing an amendment to provide $30 billion to establish the Civilian Conservation Corps, which would create 400,000 jobs for young people to combat climate change. The entire younger generation wants to roll up their sleeves and get involved in the effort to transform our system away from fossil fuel, and this amendment and the establishment of a Civilian Conservation Corps would allow them to do that.

The American people are hurting. Tens of millions of workers are falling further and further behind. The elderly are hurting. The kids are hurting. And people are looking to their elected representatives in Washington to finally address the crises they are facing. In a reconciliation bill, where we only need 50 votes and the Vice President, we have the capability, if we pass these amendments, of taking a giant step forward not only in addressing the needs of our kids, our elderly, and working families but in maybe—just maybe—beginning to restore the confidence of the American people in their democracy, in believing that their elected officials are listening to them and working to address the existential threat of climate change.

In a reconciliation bill, where we only need 50 votes and the Vice President, we have the capability, if we pass these amendments, of taking a giant step forward not only in addressing the needs of our kids, our elderly, and working families but in maybe—just maybe—beginning to restore the confidence of the American people in their democracy, in believing that their elected officials are listening to them and working to address the existential threat of climate change.
get in the car. The best way to stop this tax-and-spend and inflationary madness is to fire some of the 50 so they can’t keep doing this to your family. In March of 2021, we had a debate. Senator Sanders is a very good man. And everyone here knows that if we pass the American Rescue Plan, your life will be dramatically better. As $1.9 trillion passed with Democratic votes alone in March of 2021, not one Republican voted for it. Since then, we have been able to pass an infrastructure bill in a bipartisan manner. We passed legislation trying to keep guns out of the hands of mentally unstable people and generally help with that problem. We have come together around Ukraine to help them beat the Russians. We have come together to designate Russia as a state sponsor of terrorism. My oligarch friend up there—the guy who hates oligarchs more than anybody—we have come together with the oligarchs and have made their doors open. Help has arrived, America. It is not helping your business. It has taken every problem we had from COVID and made it worse. And what is this tax-and-spend, this inflation, and that is going to make it worse because we are going to have to raise interest rates to control rampant inflation. And that is going to make it harder to borrow money and invest in the economy.

So here is where we find ourselves as a nation. We find ourselves as a nation in a recession. If a Republican would be President, I doubt if most of the media would doubt we are in a recession. It is defined as a period of temporary economic decline during which trade and industrial activity are reduced, generally identified by falling GDP in two successive quarters. The first quarter was 1.6 negative growth; the second quarter was 0.9. Unfortunately, it is probably going to get worse because we are going to have to raise interest rates to control rampant inflation, and that is going to make it harder to borrow money and invest in the economy.

On top of that, they are about to pass a bill without one Republican vote that will take every problem they created in March and make it dramatically worse. Let’s go down sort of what life is like in America right now. They told you that help would be on the way, that the economy would double if we passed their bill in March of 2021. It didn’t quite work out that way, did it? Gasoline has gone up 59.9 percent—it will come down because the economy is coming to a halt; 34 percent increase in airfare, if you can get a plane to leave in the same month you schedule it; electricity rates, 13.7; food, 10.4; chicken, 18.8; cereal, 14.2—this is sort of what I eat; bacon—10.8 percent increase.

The bottom line is, the American Rescue Plan did not help your family. It is not helping your business. It has taken every problem we had from COVID and made it worse. And what is their solution? To do the same thing all over again in a different way. What is in this bill that makes me say that? When you ask people: Does inflation reduction Act reduce inflation—I mean, not me; not any of the 50 of us; but just ask somebody who is going to vote no. Senator Sanders is reluctantly going to vote yes. I am going to enthusiastically vote no. I don’t mind working with Democrats when it matters and it helps, but this, to me, is insane.

So here is what the bill does. Here is why none of us are going to vote for it. How many of you think now is a good time to create a new gas tax? It is not. Let’s go down the budget bible telling all of you that what you are saying is not true, but you don’t care. You don’t listen. So here is what the bill does. Here is why none of us are going to vote for it.

CBO—supposed to be the bible, according to Senator MANCIN—has a negligible—I can’t say that word—very little effect on inflation. They said it would increase the inflation rate of .1 percent in 2023. These are the people who wrote the budget bible telling all of you that what you are saying is not true, but you don’t care. You don’t listen. So here is what the bill does. Here is why none of us are going to vote for it.

What else does the bill do? It increases taxes. You have to be shocked about that. It increases taxes by billions of dollars. And they say it won’t affect you. Well, the CBO analysis and Penn Wharton said that the effect of the tax increases on business will be passed down to people who make below $100,000 a year. Just think about—does that make sense to you? You increase taxes on businesses. They pass it along to their customers. That is just sort of the way the economy works.

The 15-percent minimum tax—how does it work? The tax eliminates expenses for equipment and other items a business may purchase to grow their business, which we created in 2017, in the same year you buy it. So what does
CBO say about that? CBO says this bill will disincentivize purchasing equipment and building factories.

Think about what I just said. You are about to push on the American people another bill that will raise gas taxes and turn our world upside down for a family of four. Let me ask you, is now the time to subsidize Obamacare for people making $304,000 a year? That is what is in this bill.

Now, here is my favorite part. This bill has a plan to hire 87,000 new IRS agents—new ones. That is enough to fill up the Rose Bowl. That is bigger than the British Army. They are going to propose hiring 87,000 new IRS agents and they promise you this is only going to go after the rich. You should not believe that. This is an army of IRS agents who are going to go after everybody about everything to fill the insatiable desire of our friends on the other side to take money from you to spend up here.

There will be more new IRS agents than the British Army, the German Army, the entire combined military of Canada, the French Air Force and Navy—literally an army of new IRS agents and you should worry about what these people may do.

As I tried to tell people last time, the American Rescue Plan wasn't going to rescue you; it was going to make your life worse. And it did. We have 9.1 percent inflation, the highest in 40 years.

Senator Sanders is right. People are hurting out there. Let's work together to help. But you are not helping anybody. At the time you promised us help was on the way, inflation was at 2.6 percent. And the hope of the help you gave the economy, it is at 9.1 percent.

Here is what we are trying to tell you over here. If this bill passes, the problems you face today are going to get worse. And we will remind you in November.

Prescription drugs—in this bill, they identify 15 drugs they are going to have price controls on. They talk about the price in Canada. Most new drugs come from this country, not Canada. So let's make more of the re-search and development done in our country to help the world. That makes some sense to me. But price fixing is a socialist idea that has never worked anywhere. Even Richard Nixon tried it. It didn't work.

And during COVID, we should have learned one thing: The private sector developed drugs to keep a lot of people alive and out of the hospital, and I am glad they were able to do it. Operation Warp Speed was a tremendous success, and we owe the American pharmaceutical industry.

After this exercise is over, the idea of new drugs coming online is going to go down, and the socialist model that Senator Sanders embraces is going to hurt innovation. He is a fine man, but he is a Democratic socialist. This bill doesn't go far enough for him, but it goes way too far for you.

As I am hoping and praying that one of you over here agree with me, let's don't raise gas taxes now; let's don't raise taxes on business so they can invest in buying new equipment now; let's don't spend a bunch of money subsidizing Obamacare for people who make $80,000 a year.

But that is probably what we are going to do unless we can convince one person over there to reject this madness. I am telling you, ladies and gentlemen throughout the country, this is madness. Our Democratic friends, wherever too big, there is some plan to tax and spend on something. They are nice people, but they consistently have a view about what to do for the economy that is not working.

I beg a one Democrat: Listen and learn from what you did last time. Senator Manchin has been strong at times, but he voted for the American Rescue Plan. He is telling us this will reduce inflation when CBO says it will not. He is telling us this will improve the economy when Penn Wharton says it won't. No matter what anybody says, they are hell-bent on doing this because they can. I hope after this election, they can't do this anymore.

Here is what I think it is going to take: one Democrat admitting maybe the American Rescue Plan didn't work and this won't work. Maybe there is one among you. But if there is not, to the American people: In November, I hope you will remember this. Help is not coming by passing this bill. Help was not on the way by passing the American Rescue Plan. Misery came from that massive tax-and-spend bill, and we are about to pile misery on top of misery. We are going to raise gas taxes at a time you can't afford it.

To my Republican colleagues: You should enthusiastically vote no. To my Democratic colleagues: Apparently, you haven't learned a damn thing about what you did last time.

I yield the floor.

Mr. McConnell. Mr. President, the last time the Senate was in this position, the last time Democrats grabbed control of our economy on a party-line vote, they spent $1.9 trillion and stuck Americans with the worst inflation in 40 years.

Every Senate Democrat cast the deciding vote for this inflation nightmare. Their historic mistake has left American families spending thousands of dollars extra just to avoid losing ground.

In President Biden's America, forget about getting ahead; you have to pay a multi-thousand-dollar inflation tax just to stay where you are.

Millions of households haven't been able to keep up with Democrats' skyrocketing prices no matter how hard they have tried. They have had to watch their families' hard-earned living standards just slip away—all because, a year and a half ago, Senate Democrats tried to take over our economy on a party-line vote. And today, they want to do it again.

Washington Democrats have already robbed American families once through inflation. Now, they say the solution is to rob the country a second time. They say they need a second reckless taxing and spending spree to clean up the damage from their first one.

Every homeowner in America knows that if you call a plumber to fix a leaky faucet and they end up flooding your entire house, they don't give them a blank check and a second chance. You show them the door.

President Biden's approval on the economy is 30 percent. An outright majority of the country—including more than one in four Democrats—agree that Democrats' policies have actively made the economy worse.

Democrats have lost the country's confidence. They have lost the people's trust. The voters who placed their families' financial futures in Democrats' hands have been betrayed. And they know it.

Sadly, there is no shortage of crises that Americans would like this government to address: an inflation crisis; an energy crisis; a violent crime crisis; a border crisis.

But this weekend, today's Democratic Party is being unusually honest about their top priority. They are pushing all the stops. They are telling voters who make over $300,000 now. They are telling them that if you call a plumber to fix a leaky faucet and they end up flooding your entire house, they won't give them a blank check and a second chance. You show them the door.

President Biden may have won the fight for the Democratic Party's nomination, but our colleague Chairman Sanders sure did win the war for its soul.

This reckless taxing and spending spree is a clear catalog of Washington Democrats' top priorities. It shows the American people what they care about. And here it is: They want hundreds of billions of dollars in job-killing tax hikes, 86,000 new IRS agents, new taxes on American oil and gas that will hammer consumers and reduce energy independence, and a money grab from Americans' medicine cabinets that will lead to fewer new lifesaving cures in the future.

They want to stick a shaky economy with historic tax hikes, in order to set up a colossal Green New Deal slush fund. To give rich people tax credits for buying $80,000 electric cars and new appliances. To send taxpayer money directly to far-left protest groups. To turn government fleets of brand-new electric vehicles while working families can't afford the used car lot.
And all of it is just unbelievably expensive liberal performance art because experts say none of this "retail therapy" for rich liberals and bureaucrats will make a dent at all in the future trajectory of global temperatures. No meaningful impact on the world's climate. None.

That is why none of our Democratic colleagues can talk about actual results. Have you noticed that? They only have one talking point: that this is the biggest climate investment ever. That is why none of the historic thing is the gigantic price tag.

Democrats still define success by how much of your money they get to take from you in taxes and waste in spending. That is the exactly the attitude that got us in this mess. That is exactly the far-left mindset that has crushed American families for 18 months and counting.

Our colleagues want to tax and spend unfathomable amounts of money without making an inch of progress on our citizens' top priorities. Washington Democrats call that a big success. Do you know what the American people call it? The lowest Presidential approval rating after 18 months in modern history.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to talk about the Inflation Reduction Act. I am limited on time. I will try to keep within my 5 minutes. I wanted to start by just kind of providing a brief summary. This is legislation that will do a number of things, all of which are helpful to American families and the American economy.

First of all, it will lower the cost of prescription drugs for seniors. It will, in fact, lower the cost of energy, the prices people pay for energy.

On the prescription drug front, we talk about costs and empowering Medicare, for the first time, to begin to negotiate for lower prices. It also caps the out-of-pocket costs that Medicare beneficiaries pay at $2,000. In Pennsylvania, the estimate is that there are more than 73,000 Pennsylvanians that pay more than $2,000 a year for prescription drugs. Every one of those 73,000-plus Pennsylvanians and more will benefit from capping out-of-pocket costs.

It lowers costs for families, but it also reduces the threat of climate change and reduces the deficit at the same time—all of which while reducing emissions between now and 2030 by some 40 percent. And this may be the very last time—the very last time—that we have an opportunity to take action in a substantial way against the threat of climate change. The Presiding Officer has worked on this issue for years. He knows of what I speak better than anyone. This may be the last chance to take action on climate change.

Thirdly, and not by way of a complete summary, it extends the Affordable Care Act subsidies—the subsidies that were provided in the American Rescue Plan, the enhanced subsidies and premium tax credits. Those subsidies will be extended to 2025.

Again, I will personalize it to Pennsylvania. This will affect at least 100,000 people. Sixty thousand people in our State will lose all of their insurance coverage if we don't pass this bill; another 40,000 will have their subsidies taken away; and several hundred thousand will have their premiums go up. It affects the only historic thing is the gigantic price tag.

Then, of course, this bill creates millions and millions of jobs over the 10 years that the bill has been measured. After we pass the Inflation Reduction Act, which will reduce inflation—that is what we are told by some 126 economists. Larry Summers and others have said the same thing. It will fight inflation in the ways that have already been passed by Congress. After we pass this bill, this strong bill for the American economy and for American families, we have more work to do. We have to continue our work to pass legislation to invest in home- and community-based services for seniors and people with disabilities. We have to invest in childcare and institute again what we did in the American Rescue Plan when we put dollars in the pockets of American families raising children by taking the Child Tax Credit and enhancing that Child Tax Credit.

We have to invest in prekindergarten education and paid family leave. We have to invest and protect the Medicaid program and extend it.

We have so much more to do.

I will just spend my remaining minutes talking about one issue, the issue I started with on that list, the home- and community-based services issue. This is an issue that people across the country talk about. They talk to us about—about a senior or loved one that they want to have home care and can't get it because they are on the waiting list as it is approaching a million people or a person with a disability who wants that same kind of care in the home or in the community.

I met a lot of people and listened to them and listened to their stories. Two come to mind in particular: Someone who needs that care—his name is Brandon King—his caregiver Lydia Weidner.

I visited Brandon's home with Lynn there and learned firsthand what they are up against every single day in that home. Some months later, Brandon had the chance to meet with the President in my hometown of Scranton. One thing that he said about Lynn as a caregiver and caregivers overall—he said the following. He said:

"I would not be able to have the life that I have without Lynn's help. [Caregivers] give us a substantial life.

That is what one Pennsylvania said about the care he receives. Every family should have that opportunity to have care in the home or in the community, and they can't get that under current law. The only option for most families is care in a nursing home or other institutional care. If someone wants that care, that is great. A lot of those nursing homes do really good work.

But here is the problem. So many Americans should have the right to have care in their homes, and they don't have that opportunity today. We have to pass legislation to do that. The Better Care Better Jobs bill does that. Jobs for home care workers—we have to get that pay up. We can't be a Nation that claims to be the greatest country in the world and pay home care workers just $12 an hour. That is not going to provide the care that our families need. This bill is about jobs for home care workers; care, obviously, for seniors and people with disabilities; and support for family caregivers. More than 50 million Americans—more than 50 million Americans—need that health insurance care to a loved one. They are saving us money by doing that—saving the Nation money—but they are caring for a family member out of an act of love. We have to help them a lot more than we do.

The last two more points I will make are: We can decide to go forward and just say your only option as a senior or a person with a disability is to go to a nursing home or an institutional setting. If we continue to do that, the cost of that is $90,000 per person; or we can invest in home- and community-based services and not pay $90,000 per person, but we can pay just $20,000 per American for that kind of care. So it has a huge cost benefit as well as the compelling moral argument that we should provide these opportunities.

This bill we are going to pass tonight or tomorrow morning or whenever we pass it is a good bill for families—lowering costs, helping seniors with prescription drugs, and really moving forward on action against climate change. After it has passed, we are going to continue to work on these other issues.

I want to end with this. I want to thank members of my staff who have particularly worked so hard the last 18 months on a range of issues but, in particular, the ones who work on home- and community-based services and will continue that fight with us; Stacy Sanders, Michael Gamel-McCormick, Narda Ipakchi, Josh Kramer, and so many others who have done good work, just like so many members of staffs of so many Senators here tonight.

But let’s get the Inflation Reduction Act passed tonight, and let’s move forward on these other issues in the months ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.
HONORING AND CELEBRATING THE LIFE AND LEGACY OF REPRESENTATIVE JACKIE WALORSKI

Mr. YOUNG. I yield myself 10 minutes from the bill time.

Mr. President, I rise today to honor the lives of four Hoosiers who were lost tragically in a car accident this week. Edith Schmucker, Zachary Potts, Emma Thomson, and Representative Jackie Walorski. We grieve them all, and we pray for their families and friends.

This is, of course, a profoundly difficult time for those of us who knew one or more of these Hoosiers. It is such a difficult time for their families and their friends, and all of us, I know, we commit to do whatever it is in our power to comfort their loved ones in the difficult days ahead.

Like everyone here and back home in Indiana, I am absolutely heartbroken. I think one thing that hit everyone particularly hard is the loss of two young congressional staff members.

Whether you knew Zach or Emma personally or not, you certainly know their type if you are watching these proceedings on Capitol Hill. You know the type working, smart, committed, young person that comes to work on a congressional staff. They dedicate so much of their time and their talents. Other opportunities are given up in order to serve their country and to work toward the betterment of their Nation.

We should celebrate their accomplishments while we grieve their loss. It is a reminder, I think, for all of us to thank the many congressional staff members who do much more than the public will ever know.

I want to take a few minutes today to pay tribute to our collegial right here in the Halls of Congress, Jackie Walorski.

Jackie and I came to Congress at roughly the same time—she, 2 years after me—and I will never forget when she arrived here at the U.S. Capitol. Jackie was in no hurry to get her "sea legs." No, Jackie knew that she belonged here. Jackie understood that this was her calling. She didn’t need people to tell her that she belonged. She got right to work because she had people to tell her that she belonged.

Jackie didn’t need time to get her "sea legs," because she was a real leader. This is what they are talking about. Jackie was smart, not just energetic. She was very smart. As a member of the House Ways and Means Committee, you could see that on a regular basis. But even in a casual conversation, Jackie had a habit of cutting right to the issue. But, more importantly, Jackie was smart about the people she represented. She knew their hearts. She knew their concerns. She knew their challenges. She knew their aspirations. She studied them. She lived it. She stayed in touch with them.

She never forgot whom she worked with. She never forgot whom she worked for, and she never forgot who sent her to Washington.

Jackie also had courage. She was a fearless leader. You see this in your best leaders. She didn’t flinch in the face of tough votes. No, Jackie was smart enough to know the consequences, but she wasn’t afraid. She trusted what she knew was right. She did it for the right reasons, and she had enough self-confidence to go explain her votes to her constituents. It was, at once, a confidence in herself, but it was also a confidence in those she represented.

She was a leader, confident in her own abilities and confident in the abilities of those around her.

If there is a single memory of Jackie’s time in this building, the U.S. Capitol and the House of Representatives, in the Indiana statehouse, it was that she is indeed a leader. Since Jackie’s passing, I have had the opportunity to discuss her service, her life with a number of people, and this keeps coming up. She was a real leader. This is what they are talking about.

For all of these amazing qualities, I have to say personally that there is something else that I keep coming back to. It is the first thing I come back to when I think of Jackie, and, frankly, it is very personal to me. I am going to miss Jackie’s laughter. She had a beautiful, bellowing laugh, uninhibited, so authentic, not con-trived. It came from a place where she appreciated humor. She appreciated, at times, the absurdity of life.

She always had a joke at hand or funny observation to make, or maybe she had read something recently she wanted to share with me. But we had so much respect for her, and she could make my side hurt in fairly short order. I am going to miss that.

And it is really hard to believe that our paths won’t ever cross again. They crossed so frequently, sometimes in this building but, typically, it was in Indiana’s Second Congressional District, back home. It was rare, I would say, that I didn’t go into that region and encounter her or, at least, follow in her tracks.

She was so active, so engaged. I am going to miss those encounters. Just a few weeks ago, I had an opportunity to visit with Jackie in person. We shared some laughs, of course. It was at a dinner in Elkhart County.

We were scheduled to be together this coming week to attend a ribbon-cutting ceremony. She was constantly on the road serving, doing her job. It is not too much to say that that was her calling.

It is also not too much to say that Jackie’s last breath was spent in service, in service to her constituents, to her God, to the great State of Indiana, to her country, to her calling.

Jackie loved and she was ever faithful to all of those things. She knew that faith, family, and community are the great benefit of Indiana and America, and for that I am grateful, for that we loved her back, and we will miss her dearly. Let that be her legacy.

I yield to my colleague from Indiana. The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. I yield myself five minutes from the bill time.

I rise today to honor the life of Congresswoman Jackie Walorski. Three others were lost in the tragic accident.

Like I said last week, it is a real gut punch to any of us who knew Jackie and to Hoosiers across the board. The outpouring of grief for the lives lost has been immense in our State. As Hoosiers share their memories of them, you can see just how important all those lives were.

Let me talk about Jackie. I got to know her early on when I was entertaining running for Senate. She was up in the north central region of Indiana, a place that I had been very little, and she was engaging. I spent get-togethers with her before and then after I was elected, and Todd said it well: Whom-ever she came across, she was their friend, full of enthusiasm. She never forgot whom she worked with. She never forgot whom she worked for, and she never forgot who sent her to Washington.

Jackie was a leader, confident in her own abilities and confident in the abilities of those around her. I have to say personally that there is something else that I keep coming back to. It is the first thing I come back to when I think of Jackie, and, frankly, it is very personal to me. I am going to miss Jackie’s laughter. She had a beautiful, bellowing laugh, uninhibited, so authentic, not con-
faith, in their families, in their communities, and in the memory of their loved ones.

Zach Potts was a rising presence in Indiana politics. He was the district chair, also the Republican chair of St. Joe County, an up-and-comer. He is remembered by those who knew him as creative, funny, driven, committed to the idea that people are the most important thing in politics.

Edith Schmucker is remembered as a loving mother and a big-hearted friend to all at the assisted living facility where she worked and served others.

I hope you will join me and Todd in praying for their friends and their families. As we honor the lives of Jackie, Zach, Emma, and Edith, their legacies will live on in those whose lives they touched.

And Jackie was a living testament to what it means to be a “good and faithful servant.” She lived it out every day, and she will truly be missed.

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Indiana.

MR. YOUNG. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 748, which is the floor amendment. I further ask that the resolution be agreed to, the preamble be agreed to, 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?

Without objection, it is so ordered.

The resolution (S. Res. 748) was agreed to.

The preamble was agreed to. (The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

INFLATION REDUCTION ACT OF 2022—Continued

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Madam President, I yield myself 30 minutes from the bill time.

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

H. R. 7367

Mr. CRAPO. Madam President, I would like to start my remarks by going back to nearly the very beginning of this Congress, when we were debating what was called the American Rescue Plan. We were told then by our colleagues on the other side that this was going to save the country: $1.9 trillion of debt-financed spending, they said, was going to fix everybody’s concerns in the United States.

Where are we today?

A 9.1-percent consumer price inflation, which we told them was coming; gas prices doubling; economic stagnation; GDP contracted by nine-tenths of a percent in the second quarter.

We are now arguing over semantics about what is a recession. Sixty-five percent of the people in this country think we are already in a recession, and more than 80 percent of the country think our economy is on the wrong track.

The nonpartisan Penn Wharton Budget Model has made a comment about what we are looking at today, but what are we being told today? Another rescue plan, only this time they call it the Inflation Reduction Act. The Penn Wharton Budget Model says this bill will, if anything, raise inflation in the first few years of this budget, with a small and significant negative effect later in this decade. That same model concludes that there is “low confidence that the legislation will have any impact on inflation.”

But it does have an impact on all of us and our economy. It does nothing to bring the economy out of stagnation and recession, but rather the Inflation Reduction Act of 2022 gives us higher taxes, more spending, higher prices, and an army of IRS agents.

Let’s talk about the taxes first. Hundreds of billions of dollars are raised through taxes, around 350 to 400 billion.

There is a new book minimum tax on corporations. There is a new tax on stock buybacks. There is, believe this or not, a new tax on gasoline—on oil and gas refineries—at the very time when our President has shut down production of oil and gas on our interior and offshore and has stopped the Keystone XL Pipeline, basically freezing America’s production and driving us from a state of energy independence to a state of energy dependence, where we have to ask our friends and often our enemies across the globe to increase their gas production to help us deal with our prices at the pump.

And this book minimum tax, everybody in America knows that corporations don’t bear the burden of the taxes we put on them. Who does? Workers, consumers, and owners.

A recent National Bureau of Economic Research study estimates that 31 percent of these taxes will be borne by consumers via price hikes—price hikes at a time when we are dealing with record inflation.

Thirty-eight percent is borne by workers by way of lower wages or less employment, and 31 percent is borne by owners.

Now, my colleagues are very quick to say: Well, this is just rich people and rich corporations that are cheaters.

The owners of the corporations, though, are primarily people in America who have retired and are leaning on a pension or who have not yet retired or are trying to save money for their retirement by putting their money into 401(k) programs or other investment programs. That is who bears the burden of these taxes.

We just asked the Joint Tax Committee to tell us who bears these burdens? Who will bear the burden of these tax hikes?

They told us, as the chart here shows, in 2023, that taxes will be increased by $16.7 billion on American taxpayers by more than $200,000. And in 2031, when the new green energy credits and subsidies provide an even greater benefit to those in America, higher incomes, those earning below $400,000 are projected to bear as much as two-thirds of the burden of the additional tax revenues collected in that year.

That is what we are being offered as a solution to the crisis that we are now in in our economy.

And as I will discuss later, the nonpartisan Congressional Budget Office has recently confirmed that a significant portion of the revenue that the IRS supersized funding they are claiming will be coming from audits that they are going to be taking some of the money out of taxpayers earning less than $400,000.

So in response to this data that we have been able to show about their very tax proposals in this bill, the Democrats, surprisingly, have claimed that this Joint Tax Committee analysis isn’t valid because it didn’t include the effects of their spending that they were putting into the bill.

Now, that is a novel idea. It is OK to raise taxes, and it is OK to put more tax burden on people making more than $400,000 because we are going to be sending some subsidies to some of them.

So we asked the Joint Tax Committee to include those subsidies in its analysis, which they did.

The analysis they gave us back incorporated the ObamaCare subsidies and shows that the burdens of the proposed tax increases in the Democrats’ reckless bill will be very substantial and very widespread throughout all income categories—I repeat, all income categories—that no amount of temporary healthcare credits or even the subsidies that this bill gives for $80,000 luxury SUVs will overcome the tax increase burdens that will be overwhelmingly felt by lower and middle-income-class Americans.

Few, if any, Americans will get a net reduction in the burden that they will bear from the taxes and subsidies provided in this bill. And for any that do, it will only be temporary. The vast majority will still bear the burden of these taxes.

The book minimum tax does not close loopholes. You often hear that from my colleagues on the other side as well. It raises taxes on U.S. companies by hundreds of billions of dollars, and it would not prevent an companies from paying zero tax. Instead, it would let some of the companies preferred by the Democrats continue to avoid their
taxes by using not loopholes but legitimate provisions for research and development tax credits and other kinds of tax credits that are intended to incentivize the conduct of those companies.

The Joint Tax Committee has already estimated that half of the burden of the book minimum tax will fall on manufacturers.

In other words—well, let me go into what 252 trade associations and chambers of commerce from across the country said when they realized that close to half of this burden will fall on manufacturers.

This is from those trade associations that jointly—252 of them—wrote to Congress:

Enacting the proposed Corporate Book Minimum Tax would be the antithesis of sound tax policy and administration. Its introduction would be neither simple nor administrable and would pose a competitive disadvantage to U.S.-headquartered businesses while increasing the incidence of unrelieved double taxation. It would also have an adverse effect on the quality of financial reporting.

The Business Roundtable said:

[The proposed book minimum tax would, among other things, suppress domestic investment—]

Remember that, “suppress domestic investment”—

when increased investment is needed to spur a strong recovery in our economy. This tax hike would also undermine the competitiveness of America’s exporters.

Even on a paper-clip size margin for accelerated appreciation, there remain many unresolved problems with the design and structure of this minimum tax that make it a poor revenue option.

So let’s go to the next one that they raise: stock buybacks.

Once again, my colleagues on the other side are quick to attack any company that does a stock buyback, saying that they are just trying to make owners of their stock who are rich rich even wealthier.

I have already explained that the owners of that stock are the vast majority of Americans who are retired or who are working for retirement or who are trying to invest a little bit to try to get ahead.

Despite the claims that these are loopholes, they are doubling down on proposing a $74 billion tax on U.S. companies. Democrats want to create a third layer of tax on American companies, which will have the harshest impact on seniors and other savers.

The Wall Street Journal in a recent editorial explained:

Companies use buybacks to return cash to shareholders for which they don’t have a better use. Holders who sell shares back to . . . [companies] can invest the proceeds elsewhere. That beats letting the cash sit on corporate books earning interest while CEOs get.comfortable or decide to buy a business they don’t really want or understand how to run.

Buybacks aren’t tax free: Owners who sell shares back to the company realize a taxable gain. Any boost in the share price contributes to a higher taxable gain for remaining owners when they sell their shares in the future.

Why not pay dividends instead? Companies and shareholders might prefer buybacks in some instances such as when a company is distributing a one-time lump sum or shifting the balance of equity and debt on its books. For the economy overall, buybacks have the effect of distributing capital specifically to those owners who choose to participate because they believe they have a more productive use for it compared to companies that don’t need it to companies that do.

Democrats are telling companies: If you return value to your retirees or to retirees in the country or if you return value to people’s investment in 401(k) plans or other saving vehicles, then you will pay a punitive tax.

The majority of American households have direct or indirect ownership of corporate stock via pensions, 401(k) plans, or other saving vehicles.

Seniors are especially dependent on investment income.

The Association of Mature American Citizens reports that 68 percent of workers between the ages of 55 and 64 were active participants in a retirement plan to save for their golden years and that, on average, 40 percent of those retirement accounts are held in stocks. The remainder are held in bonds and mutual funds invested over and above those retirement accounts.

Companies also rely on investments by individuals and institutions like pension funds to finance their operations.

Successful companies use this capital to generate profits, which are then used for expansion, for research and development, for hiring and for benefits, and for investing in communities.

Companies may also choose to pay down their debt or return excess funds to shareholders.

Restricting stock buybacks could force companies to sit on cash or waste it on low-potential projects, both of which limit our economic growth and prosperity.

The Tax Foundation points out:

A large body of evidence supports the idea that companies generally only consider stock buybacks when they have exhausted their investment opportunities and met their other obligations, meaning it is residual cash flow that is used for buybacks. In fact, stock buybacks can supplement capital investments, as they can help reallocate capital from old, established firms to new and innovative firms.

This unvetted stock buybacks tax is a crippling tax that reduces retirement security for Americans.

So let’s go to the next tax that they propose, and this one is the one that I said was just a little difficult to understand—the superfund tax and methane fee.

Now, I understand why they call it the superfund tax because it is a 16.4 percent increase on oil and gas production in the United States.

According to the Energy Information Agency, regular gasoline prices have risen $1.94 per gallon since President Biden was inaugurated, an increase of 80 percent. Americans are still paying, on average, more than $4 a gallon for gas, and many can still remember the $5-a-gallon gas. The price for utility gas service is up by almost 40 percent.

These prices occur because President Biden shut down domestic energy production, including through permitting delays and canceling pipelines like the Keystone XL Pipeline. Again—unbelievably—the President’s Democrat allies in Congress are doubling down with a methane tax and higher royalties on petroleum, reimpawning and increasing by nearly 70 percent their similar proposals to members of crude oil, importers of petroleum products, and crude oil exporters, costing almost $12 billion over 10 years that will ultimately be borne by American motorists. And Americans know that, in addition, high taxes would also diminish the ability to improve domestic supplies of oil by making capital investments cost prohibitive at a time when the U.S. has already lost 1 million barrels a day of refining capacity compared to before President Biden’s unwise restriction of fossil fuel production in the United States.

On the methane fee, the American Gas Association says:

New fees or taxes on energy companies will raise costs for customers.

Americans understand this. He continues:

[Creating a burden that will fall most heavily on lower-income Americans . . .]

In addition, higher taxes diminish how much American manufacturers make our products—-

and customers, including families, small businesses, and power generators.

And the increase in lower-income households’ energy costs could prove devastating.

The bottom line on taxes is that millions of Americans will bear the burden of these tax hikes. Some of my colleagues have claimed that those tax hikes are worth the supposed benefit. But let’s look at those benefits.

Drug price reform is one they refer to. The largest source of supposed savings in the Democrats’ bill is a system of bureaucratic drug price controls that are likely to lead to higher launch prices, stifled growth, gutted domestic manufacturing jobs, and aiding foreign adversaries like China; higher launch prices for new medications, triggering financial strain at the pharmacy counter, as confirmed by the Congressional Budget Office; hundreds of thousands of American job losses, particularly in domestic manufacturing, which is already getting hit by the new book minimum tax, with some estimates projecting as many as 800,000 job losses; a competitive edge for the Chinese Communist Party, which has singled out biomedical innovation as a
pillar of its industrial policy strategy and could ultimately supplant the United States as the global life sciences leader, with a profound amount of national security implications; an unprecedented expansion of the Food and Drug Administration’s regulatory authority, buttressed with a staggering $3 billion in new administrative spending as the Federal Government takes even greater control over another segment of our healthcare economy.

This bill would also have unbridled new government price-setting authorities with permanent prohibitions on even judicial and administrative review and with initial implementation bilateral, from basic notice-and-comment rulemaking requirements; fewer new treatments and cures, with the University of Chicago analysis estimating 135 fewer new drugs approved between now and 2039, resulting from an 18 percent reduction in innovative research and development.

There would be less funding for cancer R&D. Today, nearly 50 percent of the FDA pipeline is comprised of new cancer treatments. However, according to the National Academy of Sciences, when the University of Chicago, the drug price controls would reduce funding for cancer R&D by nearly $18.1 billion, over 9 times the amount of funding proposed for President Biden’s Cancer Moonshot—so much for the President’s Cancer Moonshot.

There would be dangerous new mechanisms for compelling total compliance with Federal Government mandates, with implications across all sectors of the economy, including: an escalating noncompliance penalty of up to 95 percent on all gross sales levied every day for failure to meet any terms of the government’s price-setting program—negotiation in name only—rendering any new Federal mandate, however sweeping, an offer you can’t refuse. Even late paperwork would trigger this crippling, catastrophic penalty, which has a tax-exclusive rate of up to 1,900 percent. It is negotiation in name only.

As a messaging gimmick, the Democrats have framed their government price-setting program as “negotiation,” but their legislation tells a far different story. Under their proposed program, the Secretary has absolute, unilateral, uninhibited price-setting authority—with no floor—enabling a price of $1 for even the most innovative new drugs. Manufacturers have no choice but to comply and to provide in definite access to their products at the Secretary-dictated price, regardless of how unfair. They cannot walk away from the negotiating table or withdraw selected products from the Medicare market, with the Secretary setting an economically untenable price, stripping even small businesses of any leverage.

Judicial and administrative review of key decisions, including the price setting itself, are permanently prohibited.

The bill completely disregards the rest of the prescription drug supply chain, targeting manufacturers while doing nothing to address other key players or to improve oversight and transparency.

There is a better way. It is called the Lower Costs, More Cures Act. Senate Republicans have developed a common-sense, bipartisan solution that is more than two dozen solutions, aimed at providing relief at the pharmacy counter while ensuring long-term access to lifesaving new treatments and cures. Among the provisions—virtually all of which are based on proposals with bipartisan support—the Lower Costs, More Cures Act would reframe the Part D benefit to reduce seniors’ cost-sharing burden and incentivize plans to negotiate the best deals possible for enrollees. It would create a hard cap on the annual out-of-pocket spending for all seniors under Medicare Part D. It would increase Part D plan choices for seniors by enabling sponsors to offer additional plans with incentives that pass a greater share of the discounts directly to their beneficiaries at the pharmacy counter.

It would permanently extend a Trump administration program providing Part D enrollees with access to plan options that lower their out-of-pocket monthly insulin costs at $35 or less.

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It would permanently extend a Trump administration program providing Part D enrollees with access to plan options that lower their out-of-pocket monthly insulin costs at $35 or less.

It would permanently allow high-deductible health plans to offer pre deductible coverage for preventive services, including insulin.

It would permanently establish a chief pharmaceutical negotiator to combat foreign freeloading, ensuring the best trade deals achievable for American consumers and job creators.

It would strengthen consumer-oriented oversight through more useful cost comparison tools, price transparency measures, and robust reporting requirements for stakeholders across the drug supply chain, including pharmacy benefit managers.

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Why did they use the word “intended”? Because they know that that is not what they want to have happen, but it is what will have to happen, and they are not willing to use a stronger word.

I have asked them—and I will ask them in an amendment on this floor—to say that none of this money can be used to audit taxpayers making less than $400,000 a year. Let’s see how they vote on that amendment.

Why couldn’t they just say that this money “shall not” increase taxes on people making under $400,000 per year? Why couldn’t they say that these funds “cannot” be utilized to audit taxpayers making less than $400,000 per year? Because they know they can’t say that and claim the amount of revenue that they want to spend unless they audit those making less than $400,000 per year. The fact is, the tax cap isn’t just millionaires or billionaires or oligarchs or whatever the term of the attack is today. It’s all tax gaps and misreporting—that everybody who has not accurately reported their income is a “tax cheat”—is misdirection. It calls all of these people who make less than $400,000 who are simply having trouble with the Internal Revenue Code a tax cheat. That is unfair.

We have examined the IRS’s own data on how successful it is in having the courts sustain—sustain its claims that these folks in the $400,000-or-less category and other category are cheating on their taxes.

Over the past 20 years, the IRS has had a less than 47-percent success rate and a less than 45-percent success rate over the last 10 years. In other words, the IRS more often asserts that these deficiencies exist than the courts agree with. That is hardly evidence for a multitude of tax cheats, but it is firm evidence that innocent taxpayers are often subjected to unnecessary and inappropriate scrutiny. We can be sure they will be with 87,000 new auditors—again, making the IRS larger than all of those other Agencies that I talked about.

By the way, folks may remember just a short time back when the proposal also included language that would let the IRS get into the bank accounts and monitor the transactions of the deposits and withdrawals of all Americans. Well, let me say it better—all Americans more than $10,000. Little people, little transactions in a year, which is, essentially, almost all Americans. Now, admittedly, that language isn’t in this bill yet, but the broad authority that is given to the Internal Revenue Service with this $80 billion of supersizing will undoubtedly result in rules and regulations issued by the IRS to achieve that objective. They just knew that they couldn’t put it in statute because they would be rejected immediately by the American people.

I encourage the American people to see past this and to reject this legislation. It is too many taxes, too much spending, and too big of a burden on the American people across all income categories. We don’t want to supersize our Internal Revenue Service, and—go back to that very first statistic I gave you—it is not even going to have a statistically significant impact on inflation. If anything, the taxes will drive prices up. I encourage all of my colleagues to reject this reckless bill.

With that, I yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, I yield myself 20 minutes from the bill time.

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

Mr. LANKFORD. Madam President, Hans Christian Andersen, in 1837, wrote a story about group think. It is called “The Emperor’s New Clothes.” It begins with a leader who really loved his clothes. Some unsavory characters saw that, and they set up a weaving loom to make the finest clothes in the land, but they were actually weaving just air; there was nothing to it. The catch was they had sold the story that, if you couldn’t see the weaving, it must be that you are just not wise. So the Emperor sends a couple of his advisers to go check out the weaving to see what it looks like. They see, obviously, nothing because there is nothing there. I think it’s “Oh, it is beautiful; it is lovely” because they don’t want to be seen as unwise.

Then it ends up with the Emperor preparing for a big parade, and that is where I pick up the story. Let me read to you from Hans Christian Andersen, from 1837, when he tries on the “new clothes.”

These scoundrels, these unsavory characters who had sold him this said: “How well Your Majesty’s new clothes look. Aren’t they beautiful?” The advisers all chimed in. He heard on all sides, “That pattern, so perfect! Those colors, so bright!” Then the minister of public processes announced: “Your Majesty’s canopy is waiting outside.”

“Well, I suppose to be ready,” the Emperor said, and turned again for one last look in the mirror. “It is a remarkable fit, isn’t it?” He seemed to regard his costume with the greatest interest.

The noblemen who were to carry his train stopped low, and reached for the floor as if they were picking up his mantle. Then they pretended to lift and hold it high. They didn’t dare admit they had nothing to hold.

So off went the Emperor in procession under his splendid canopy. Everyone in the streets and the windows said, “Oh, how fine he looks! The Emperor’s new clothes! Don’t they fit him to perfection? And see his long train!” Nobody would confess that they couldn’t see anything, for that would prove him either unfit for his position, or a fool. No costume the Emperor had worn before was ever such a complete success.

“But he hasn’t got anything on,” a little child said.

“Did you ever hear such innocent prattle?” said its father. And one person whispered to another what the child had said, “He hasn’t anything on. A child says he hasn’t anything on.”

“But he hasn’t got anything on!” the whole town cried out at last.

The Emperor shivered, for he suspected they were right. But he thought, “This procession has got to go on.” So he walked more proudly than ever, as his noblemen held high the train that wasn’t there at all.

When the facts come out, it is hard sometimes to admit you are on display, that the bill actually doesn’t do what the title says it is supposed to do. This time, the bill is called the Inflation Reduction Act. They say it is designed to be able to lower inflation and to reduce the deficit except that now it has actually been scored. It doesn’t actually reduce inflation, and deficit reduction is as invisible as the Emperor’s new clothes.

The score for inflation stated in the public scoring that “the impact on inflation is statistically indistinguishable from zero.”

The CBO scored the bill and said it “would have a negligible effect on inflation.”

Remember, this is the bill titled: the “Inflation Reduction Act.” The score on the deficit end, after many on the other side of the aisle here have said it would have $300 billion in deficit reduction, is less than a billion. But wait, there is more to the story on even that $100 billion.

More than 200 economists wrote a letter to Senator SCHUMER detailing how this bill will not reduce inflation nor reduce the deficit. Taxing more and spending more will only make the problem worse.

They closed by saying this statement:

“The bill deficit reduction is likely to prove illusory due to implausible spending phase-outs.

In summary, we agree with the urgent need to reduce inflation, but the Inflation Reduction Act of 2022 is a misleading label applied to a bill that would likely achieve the exact opposite effect.

What they said was, the Emperor has no clothes. It doesn’t really reduce inflation; nor does it do anything to make a decision: Am I going to keep parading through the streets, when everyone knows the Inflation Reduction Act doesn’t reduce inflation or am I going to head back and fix it?

Let me start with just the plan that is in this bill.

Here is the bill. It is titled: The “Inflation Reduction Act of 2022.” So the plan my Democratic colleagues have laid out—they just give you a couple of details in the plan to reduce inflation in the Inflation Reduction Act of 2022.

Here is one: Up to $4 billion has been allocated to study cow burping and their production of methane. I am sure that that is going to bring down the prices of beef right away. As I have heard, even on the floor today, this is going to bring down the prices at the grocery store by having up to $4 billion allocated to study cow burping.

It adds $2 billion in investment grants to improve washability in context-sensitive projects. No one seems to know what the words “context-sensitive projects” even mean or how $2
billion in construction to improve walkability will bring down inflation.

There is $3 billion for environmental justice block grants to facilitate workshops—workshops—to bring down inflation. Aren’t you confident that the price of gas will go down after $3 billion is spent on environmental justice workships?

There is $17 million for consumer-related education and partnerships to reduce greenhouse gas emissions. By the way, that is not reducing. Those are partnerships to discuss reducing.

There is a brand new tax credit for Elon Musk that is in this, though. I am sure that it will bring down inflation. Tesla has used up all of its credits for its electric vehicles so this bill renews it and does a special perk for Tesla to give them an unlimited number of new tax credits. I am sure Elon Musk is thrilled about his unlimited new tax credits to him, and I am sure all of our prices will go down based on Elon Musk with non-dedicated tax credits that he gets. Again, the bill is the Inflation Reduction Act.

There is a fee on methane that will raise the price of natural gas, which has been estimated to raise the price of natural gas for the average consumer by 17 percent—a 17 percent increase on our natural gas. Now, let me remind you that this is the Inflation Reduction Act that will increase the price of our heating, of our cooking, and of our energy production—17 percent.

There is a new tax on imported oil and new fees on domestic oil produced on Federal lands.

There is a new fee on methane that will raise the price of natural gas, which has been estimated to raise the price of natural gas for the average consumer by 17 percent—a 17 percent increase on our natural gas. Now, let me remind you that this is the Inflation Reduction Act that will increase the price of our heating, of our cooking, and of our energy production—17 percent.

There are new inspection fees and owners’ fees on pipelines. I do not understand how new fees and new taxes on oil and gas are supposed to lower the price of natural gas and of gasoline, but that is what is being declared in the Inflation Reduction Act. If only we had more taxes on oil, gas, and natural gas, then prices would somehow magically go down.

As has been mentioned multiple times on the floor, this Inflation Reduction Act hires more than 80,000 new IRS auditors, with no limit on whom they can audit. If you thought that there would be a limit to those people making $40,000 or more on being audited, you were wrong. Now, that could have been in this bill, but they chose not to put it in this bill. There are no guardrails for who can be audited by the IRS with billions of dollars being allocated to new IRS agents. Every single American in every income bracket, every small business, and every large company—everyone—is going to experience new IRS audits in the days ahead.

Remember this night. Remember this night. In the next 10 years, when you get an IRS audit, it was the Democrats in this body who sent the IRS to your house. So keep your records because IRS audits are about to dramatically go up due to the gift of the Inflation Reduction Act.

Maybe this bill should instead be called the CPA Hiring Act because I assume millions of taxpayers who struggle under our complicated Tax Code already will now have to hire a CPA knowing their chances of being audited are greatly increasing now. They know that the IRS is now following the IRS. Most taxpayers I talk to submit their tax forms every year and hope they get it right because it is so complicated, but because of this night and this vote, there will be auditors coming after you to make sure you got it right.

The Democrats, in the days ahead, when the IRS comes to this body for a hearing, will be asking them: Did they pull in additional money based on the audits they gave them? They are not telling you this, but they assume the IRS will collect $200 billion more once they give them these new auditors. You can be assured that that is going to be a metric that is going to be checked in the days ahead. The IRS will tell the small town police force that has a quota for writing tickets on the highway through their small town in order to help pay for the new city hall. If you have to pay for city hall, you need to write more tickets on the highway. It is that way with the IRS. They need to audit more and go get more because we gave you more people.

Remember, this is the Inflation Reduction Act. I have yet to figure out how Americans getting more audits reduces inflation, but as has been advertised, this is going to bring down the cost of groceries, and this is going to bring down the cost of gas by more people getting audited by the IRS.

One of the other interesting plans in this bill to reduce inflation is to force more Americans to join a union. Now, I have to tell you that I have no angst against unions. Unions are a choice. Those individuals should be able to choose to unionize and be a part of collective bargaining as an American right and privilege.

Let me say this: 10.3 percent of the American workforce is union—10.3 percent. In the energy portion of this bill, which is billions and billions and billions of dollars, the unions get billions of dollars, and nonunion workers get nothing. So, if you work in the energy sector right now and if you are not a union employee, you are about to get cut out because the way this bill is written, the subsidy has no guardrails. It includes companies that use union laborers, which will make nonunion energy companies uncompetitive and will force them out of business or force them to unionize.

Quite frankly, this bill should be called the Mandatory Union Bill of 2022, not the Inflation Reduction Act, because I am not sure how forcing more people into a union reduces inflation, but that is a major portion of this bill.

I am confident the union bosses across the country are thrilled to finally see a return on their investments since they gave heavily to Democrats in 2022 to get them elected, and this is their payoff. There will no longer be 10.3 percent of workers in unions. This is going to force more companies to have to unionize or they will not be competitive because of the Federal credits that only go to companies that hire union labor. Does forced unionization sound like the solution to inflation reduction to you? It does to apparently half this body.

The Inflation Reduction Act creates a subsidy in health insurance to be announced right before the fall elections this fall. And it is not for those who are in poverty. Those who are in poverty, all the way up to 400 percent of poverty get these new healthcare subsidies. Oh, no, this is not for those folks at the poverty level—200 percent, 300 percent, or 400 percent of poverty; this is a family of four making $200,000 who will get this healthcare subsidy for a solar panel.

What do the economists think will happen with this new subsidy? They believe employers will drop their health insurance and will push employees under the government Affordable Care Act policies and work for more and more people onto the government rolls. Remember, this is the Inflation Reduction Act.

As homelessness increases across the Nation right now, the bill adds $1 billion into HUD for zero emissions electricity generation in affordable housing. That is what it is called, zero emissions electricity generation in affordable housing. It is not about increasing access to affordable housing for those who are homeless; it is solar panels in public housing. I am confident the people who are living on the street, trying to survive a 9 percent inflation rate, are really not hoping that they can find someplace with a solar panel, but that is what is in the Inflation Reduction Act of 2022, solar panels in public housing. That is their solution to solving inflation.

While many of us have been pushing back hard to block China from buying more land in the United States, this bill actually gives ag subsidies to land owners regardless of who is the owner of the land. They don’t have to be a U.S. citizen. They don’t have to be American ownership. We are literally opening up that to owners of land to be able to get access to it.

I have also heard over and over again that there are no new taxes in the Inflation Reduction Act. I have heard that in national media from my Democratic colleagues saying it over and over again and on this floor. Well, it seems to be true. If you are a green energy company, that is true; there are no new taxes for you, we will have huge tax breaks. And while there is a push for everyone to have a 15 percent minimum tax, that is not exactly true for those folks who are in these green energy companies that are major Democratic donors. They will not have that same minimum tax standard.

But the Tax Foundation found this. This is their quote:
On average, tax filers in every quintile would experience a drop in after-tax incomes. Let me run that past you again. “On average, tax filers in every quintile would experience a drop in after-tax incomes.”

One of the new taxes that was just added into the bill today is the stock buyback tax. This is to punish companies that are listed on our stock exchanges that buy back stocks to raise the value of stock. Now, they buy back stock so that the stock value goes up. They are putting a tax on them to be able to punish them to try to prevent them from doing this. They make it sound like they are hitting the big, fat cat corporate CEOs and the guys on Wall Street, keeping the value of their stock lower. They are going to really stick it to the man—except 60 million Americans are invested in a 401(k) plan for their retirement. Sixty million. The largest owners of stocks in America are retirement plans, insurance companies, and nonprofits. Google “largest owners of stocks.” So the people who want the most in this new plan to drive down the stock market prices are nonprofits, insurance companies, and retirement plans. Fifty-eight percent of Americans own some kind of stock.

This is a tax—directly and deliberately designed to keep the price of individual stocks from going up. Sure, that is going to hurt CEOs who own their own stock, but it is also going to hurt everyday Americans who just own stock on their own, and it is going to hurt all of those retirement plans. But they seem not to care whom they hurt in this as long as they can also hurt CEOs. Driving down the stock market will, I guess, reduce inflation, if that is the plan. This new plan is a 15 percent minimum tax on US corporations, small manufacturing companies, and nonprofits. The stock buyback tax is to drive down the stock market prices for retirees and nonprofits and individual investors.

Another new tax that was added today is a 15 percent minimum tax on businesses that are funded by private equity. I have to tell you, this one shocked me when it got slipped in today. Most companies that are funded by private money are small businesses, research companies, small manufacturing companies. This adds a new 15 percent minimum tax on the businesses that are funded by private equity. Basically, if you are owned by private money or funded by private money separate from the owner itself, you are considered a subsidiary, and so you get this big tax laid on you.

Let me give you an example of this. I know directly a company in Oklahoma that is a small manufacturing company. They are funded by private outside money. During COVID, my Democrat colleagues had the same vendetta against manufacturing that was funded by private equity. This particular company, unlike every other company across the country during COVID, could not get access to the Paycheck Protection Program because Democrats said: “If you are funded by private outside money, then we are not going to get you access to that because you are in an evil private equity area—even though they are vastly small businesses.”

This particular manufacturing company in Oklahoma produces valves. This valve company had hundreds of employees before COVID. Once COVID happened and business dropped off immediately, because they couldn’t get access to the Paycheck Protection Program like every other small business, they laid off hundreds of workers. Those workers weren’t rich folks. Those were folks turning a wrench and making a great product that a lot of people wanted. They got laid off simply because of how they were funded.

Now my Democratic colleagues want to jump right on top of them at the end of COVID, as the company is finally starting to get back on its feet, hire people back, to now slap a brand new tax on top of them that no one has discussed, no one has evaluated, and no hearings have occurred on it to determine how wide and how broad the impact. Literally, the owners of this company will wake up tomorrow morning, because in the middle of the night, a new tax got added onto them right at the tail end of COVID simply because my Democratic colleagues are deciding what to do. This bill doesn’t lower inflation. I listed a lot of things. Can a single American go: Oh, that will take down inflation; that will work. None of those things take down inflation.

It also doesn’t reduce the deficit. Bruce R ladder of the non partisans for reducing the deficit is not doing programs they were already not going to do. That is their plan. That is the deficit reduction.

Let me give you an example of this. Let’s say you are going through Walmart, shopping, and you are with your shopping cart. You step aside to be able to get something off the shelf, and when you turn back around, somebody has stuck in your basket a big bag of frozen brussels sprouts. Now, you didn’t put them in there; somebody else put them in there.

As you go through the aisle, you look down and you see this big bag of brussels sprouts. I don’t know about you, I don’t want frozen brussels sprouts. Maybe some of you love those. Great. But if somebody slipped a bag of frozen brussels sprouts into my cart, I would put it back. I would put that away and say: No, I am not going to buy that. Somebody else put that in my cart.

But you don’t say: Hey, I wouldn’t say: Somebody put a bag of frozen brussels sprouts in my cart. I am going to put it back on the shelf.

That is deficit reduction in my cart. I wouldn’t say that.

Here is what I mean by that. During the end of the Trump administration, they laid the groundwork for seniors to get a rebate at the pharmacy counter and pressure for government to make sure that every senior got a discount at the pharmacy counter. That was the plan. That is what the Trump administration put in place. When the Biden administration came in, they didn’t like that plan to give discounts to seniors at the pharmacy counter, so they set that plan aside and said: We are not going to do that. Instead, they have come up with this new plan that I will explain in just a second. But they are saying that because they didn’t do the plan that Trump was planning to do, because they didn’t do that plan, that is $100 billion in savings by not buying what they never interested in buying.

Let me just tell you, if you don’t buy the brussels sprouts, you just don’t have the brussels sprouts, but you are not saving the money from that. You just didn’t get them. That is not real savings.

So when they talk about deficit reduction, it is because they are not doing what they never said they were going to do, and now they are magically calling it deficit reduction. That is not real reduction of the deficit; that is a budget gimmick. In Washington, DC—a huge budget gimmick. Can I just say, the Emperor has no clothes. It is not real.

In the place of this rebate rule, in its place, they have created a real method of price controls for some drugs. And it is not price negotiations; it is price controls. They are spending $3 billion to set up a system for the government to be able to select prices on one of the most used drugs in America.

By the way, it starts in 2026, is when this starts. I have heard some people on the floor say: We are going to have lower prices right away. This plan starts in 2026. It wouldn’t actually affect someone’s pocket until until 2027. So if you are planning on a reduction in prices, it is not coming soon; it is 5 years away, if there is a price decrease at all.

The way it is set up is the President, whoever that may be 5 years from now, will have a new authority not to negotiate prices in the next 10 years. It is not a negotiation, it is setting the price, because if you disagree with the President, whoever the President is, and what they set on the price, they can raise the taxes on your company 95 percent. So if you disagree with the price that they pick, whoever the next President is, what they pick your company then they say if it is deficit reduction, it is deficit reduction in my cart. That is deficit reduction in my cart. What does that mean for the future? Drug companies will have new incentives to not use existing drugs for new
treatments because here is how it typically works: If a cancer drug works for lung cancer, then they start experimenting with other types of cancer to see if it works on those. But in this system the Democrats are setting up, if a drug is approved for lung cancer but they have a disincentive to try it on other cancers because if the drug gets too used, then it falls into this new negotiation category. So the incentive for the drug companies is not to try new ways of using this drug for fear of getting too big.

Can I tell you what this looks like in real life? I have a friend at home whose wife has pancreatic cancer, and they are desperate to try every treatment and trying to get into every clinical trial they can get into, desperately. They are praying, and they are working, and he is being an awesome husband, and she is being a tough warrior gone, whom I nae and pray for and try to get them to 26-year-olds and their families into clinical trials. They are trying to get into clinical trials, which is already hard. This bill will make it even harder because existing cancer drugs will have a disincentive to test out new ways to be able to use this drug for cancer. Thank you very much to my Democratic colleagues who are reducing the number of cancer cures for the future. How does that cure inflation in the Inflation Reduction Act?

There is also a special little feature in it, in the way the drug piece is set up, that it incentivizes more IV drugs and fewer oral drugs because IV drugs get more time and oral drugs get less time. So the incentive is to set up IV drugs instead—for the drug companies.

So for all of us who would prefer taking a pill than taking a drug intravenously, tough luck. Democrats prefer IV drugs to oral drugs. So, in the future, when you are taking an IV in surgery, when you are taking an IV in the hospital, when you are taking an IV in the ER, you will not be able to take an oral drug. So for all of us who would prefer taking a pill than taking a drug intravenously, tough luck. Democrats prefer IV drugs to oral drugs. So, in the future, when you are taking an IV in surgery, when you are taking an IV in the hospital, when you are taking an IV in the ER, you will not be able to take an oral drug.

Let’s reject this bill.

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

Mr. RUBIO. I yield myself 11 minutes.

Mr. RUBIO. I yield the floor.

Let’s reject this bill.

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

Mr. RUBIO. I yield myself 11 minutes.

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

Mr. RUBIO. I yield myself 11 minutes.
Upper West Side of New York or in the West Hollywood area, to not worry that much about immigration: We shouldn’t have a border. Let’s be nice.

But the people whose hospitals are being overrun, whose schools are being overcrowded, whose communities are being strained are the communities that are taking this influx—7,000, 8,000 people a day. We are the only country on this planet that lets people just show up and say, “Hey, I am here; I am staying—the only one.” Mexico does not let you to do that. You can’t do that to Mexico. You can’t do that to Canada. You can’t do that in Europe. But you can do it here. People know it.

That is what they are worried about—a huge problem. And they are worried about the price of everything. People focus on gas. It is funny. The President said he couldn’t control gas prices until they started going up. You know what? One of the reasons why it is going down? People are driving less. They are not going on vacation. They are not taking the boat out because it is expensive.

Frankly, that is what they wanted. Do not do anything about gas prices. That is what they wanted. They were not unhappy about high gas prices. They were just upset that it happened a few months before an election. But the Democrats and the left were not unhappy about high gas prices because they don’t want you to drive. They want everybody to take a bus or buy one of these $90,000 Chinese electric cars. That is what they want everybody to do. We will talk about that in a minute.

They were not happy, but it is not just that. I don’t know how many people here do their own groceries, but in my house we do. I am just telling you, it is twice what it used to be. I get it. My kids are growing, and they eat our house we do. I am just telling you, that is a lot of money. In some places you are doing all right, no doubt about it, but you are not rich at $250,000 in some parts of this country. You are doing all right, no doubt about it, but you are not a billionaire.

They are going to go after them. They are going to go after the people who cannot afford to hire an army of lawyers and accountants to fight off the IRS agents—thousands of IRS agents—they are going after. They are going after small businesses. They are going to go after working people—maybe people who make $250,000 a year. We think that is a lot of money. In some places it is in this country. In some places, it is a good living. But you are not rich at $250,000 in some parts of this country. You are doing all right, no doubt about it, but you are not a billionaire.

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will help them. They know the media will help them—not all the media, but a lot of the reporters will help them, even though the reporters themselves keep calling this a climate bill because they are so giddy about that part of it. But not people who have lost or maybe never had. It is called common sense, and they have the common sense of knowing that making it easier for people to buy, with a credit, an electric car in 3 years is not going to do anything for them. They are not buying an electric car anytime in the near future.

You know what they want? They want gas prices to come down because America is producing more oil. That is what they would like. That is what they would like.

They would like you to put criminals in jail and keep them there. They would like you to secure our border, just a little bit. Don’t pretend that you are doing anything about it, because they know the truth.

Guys, it is a scam. This very weekend, this very Friday—and I live in Miami. I don’t read about this stuff in a magazine. I see it with my own eyes; I hear it with my own ears.

I had this couple telling me the flat-out story. Their kids were already here because their kids were born here. Years ago, when they were here visiting, their kids were bought here. U.S. citizens. Their kids are already here. This couple paid $5,000 each. They were driven to the border in a van. They were turned over to an agency right on the border who turned them over to the officers. They spent a day and a half in detention. Their papers were filled out. They were turned back over to the agency. The agency asked them: Where would you like to go?

I wish they would go to Miami.

They gave them a ticket to go to Miami. They even gave them a little card to buy things before they got there. And now they are living in South Florida.

And what do you think? You don’t think they are going to call back home and tell people: Hey, we made it, and we have private tutors. And those are the people shutting down the schools, in some parts of this country, we shut school down for a year and a half, while the people shutting down the schools, their kids were going to private schools and had private tutors. And those are the people that are getting destroyed right now by this economy. And they are being ignored and disrespected and completely, completely obliterated by a bill that does absolutely nothing for them.

And that is what your U.S. Senate will spend late into the night and early into the morning voting on. The disconnect is massive. And I can point to a lot of examples, but this has become especially evident in that disconnect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Ms. BLACKBURN. Mr. President, as I was reading through this reckless spending spree that my Democratic colleagues are in such a rush to get this thing passed so that they can get it signed into law—I was reading it, and it was a real eye opener, I have been through this exercise before.

We have before us a bill that is too expensive to afford. It has been thrown together behind closed doors, in secret, perfectly branded to prey on the struggles, the fears of the American people because after all, fearful people are easier to control.

And what do we know? The Democratic Party, they are all about control and they are all afraid to come.

Now, I remembered that this isn’t the first time in the Schumer Senate that the Democratic colleagues have tried to turn a crisis into an opportunity. A little over a year ago, they pulled the exact same bait-and-switch with a $1.9 trillion American Rescue Plan. Senator GRAHAM talked about this before. It was to bring, oh, so much prosperity. It was to solve all of your problems, help was on the way. And we used a big grog to put it in the form of $350 billion in the slush fund for blue cities, a State tax cut ban, a $60 billion tax hike, subsidized government healthcare, and a union pension bailout.

It is pretty clear who the Democrats were trying to rescue with that bill. And it was not hard-working American taxpayers. They got the shaft on that. And they know it.

And then, of course, we considered the infrastructure package that had almost nothing to do with infrastructure, but it served as a very useful vehicle for a lot of the Green New Deal.
Remember, Build Back Better—they couldn’t get it across. They had to break it into parts. So you have seen parts of it in different bills. Part of it was in that infrastructure package. To Tennesseans, this was a missed opportunity. They could have done this on a regional level. We only need meaningful improvements to broadband infrastructure and access to high-speed internet connections. It was a missed opportunity for all Americans seeing crime and drugs that are in their communities because of open border. And it was a missed opportunity for the Keystone XL Pipeline and for support for American energy.

Missed opportunities continue to be their thing. Just a few short days ago, we passed a CHIPS and Science bill. Sounds really good and constructive. But over the course of a few years, this ballooned from an emergency investment in semiconductors into an almost $300 billion gateway to industrial planning. Of course, more of the Green New Deal.

My Democratic colleagues took an opportunity to unravel our dangerous relationship with the Chinese Communist Party. They did it on a tee-up to seizing more control over the manufacturing and upstream suppliers that costs nearly a trillion dollars, yet we go again, sifting through a package that will benefit the usual Democratic allies but wreak havoc on everyone else. They expand the regulatory state. They issue mandates that only people and small businesses will be empowered to follow. They increase costs on everything. Everyone loses except the Democrats and their political allies.

Joe Biden and the Democrats have become famous for saying one thing and doing another. They promise inflation reduction, then raise manufacturing costs. They promise economic reopening, then raise utility costs and your grocery bills. They assure the American people, time and again, that Big Government can solve your problems, and then they use Big Government to absolutely break the living wage out of private enterprise.

My Democratic colleagues have touted this latest disastrous version of their “Build Back Broke” agenda as progressive. And I do hope the American people are figuring out what “progressive” means: government-mandated transfers of wealth, ideological conformity backed by the full faith and credit of the United States. If you want to be broke and grovel to the government, this bill is for you. These hundreds of billions of dollars will serve a purpose but not to reduce inflation or bring relief. Blue States, unions, radical activists will once again come out on top. Meanwhile, families working hard to make ends meet will have to comply with the mandates that will cost them everything. I think my Democratic colleagues know this, but they have decided that the pain and the suffering is worth it. After all, they continue to tell us we need to be transitioning. We need to be transitioning. I don’t think people like what they are going to have to transition to.

When I am home in Tennessee, they certainly don’t like it. I will be back Monday doing meetings across the State and I will have to tell them that, once again, the Democrats have taken advantage of their desperation and their exhaustion with what is
A resolution (S. Res. 675) commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Van Hollen amendment at the desk to the resolution be agreed to; the preamble be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 5434), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute.)

Strike all after the resolving clause and insert the following: "That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.

The resolution (S. Res. 675), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. Res. 675

Whereas the American Hellenic Educational Progressive Association (referred to in this preamble as "AHEPA") was founded on July 26, 1922, in Atlanta, Georgia, by 8 visionary Greek immigrants to help unify, organize, and protect individuals of all ethnic, racial, and religious backgrounds against the bigotry, discrimination, and defatation perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the Hellenic ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas, since the inception of AHEPA, the organization has instilled in the members of AHEPA an understanding of their Hellenic heritage and an awareness of the contributions that Hellenic heritage has made to the development of democratic principles and governmental systems in the United States and throughout the world;

Whereas AHEPA has done much throughout the history of the organization to foster patriotism in the United States and to encourage the study of American Hellenic heritage;

Whereas generations of Greek American women and Philhellenes have worked to strengthen society's charitable organizations, such as the Daughters of Penelope, in order to—

(1) provide affordable housing for older adults;

(2) sponsor and support domestic violence shelters;

(3) provide scholarship awards;

(4) raise awareness and provide financial support for medical research and charitable causes; and

(5) help those in need of humanitarian assistance or natural disaster relief;

Whereas, in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the Tribute to Olympism and Hellenism sculpture, the fan-like structure of which helped to save lives during the 1996 Olympic Bombing at Centennial Olympic Park;

Whereas members of AHEPA raised $110,000 for the creation of the George C. Marshall Statue erected on the grounds of the United States Embassy in Athens, Greece, in celebration of the historic relationship between the United States and Greece and in tribute to General Marshall, an outstanding statesman and Philhellene;

Whereas members of AHEPA raised $1,000,000 toward the rebuilding of Saint Nicholas Greek Orthodox Church and National Shrine at the World Trade Center, which was the only house of worship destroyed on September 11, 2001;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators, Representatives, and United States Ambassadors, and have served honorably as elected and appointed officials at local and State levels throughout the United States; and

Whereas President George H. W. Bush cited AHEPA as one of the "thousand points of light" in the United States: Now, therefore, be it

Resolved. That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, applauds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.
RECOGNIZING THE 10-YEAR ANNIVERSARY OF THE TRAGIC ATTACK THAT TOOK PLACE AT THE SIKH TEMPLE OF WISCONSIN ON AUGUST 5, 2012, AND HONORING THE MEMORY OF THOSE WHO DIED IN THE ATTACK

CELEBRATING THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE AND THE DEDICATION OF THE WALL OF REMEMBRANCE AT THE KOREAN WAR VETERANS MEMORIAL ON JULY 27, 2022

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following resolutions, submitted earlier today: S. Res. 749 and S. Res. 750.

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

The senior legislative clerk read as follows:

A resolution (S. Res. 749) recognizing the 10-year anniversary of the tragic attack that took place at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack.

A resolution (S. 750) celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolutions be agreed to, and the motions to reconsider be agreed to, the preambles be agreed to, the table with no intervening action or debate.

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

The resolution (S. Res. 749) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 750) was agreed to.

The preamble was agreed to.

A resolution (S. 750) recognizing the 10-year anniversary of the tragic attack that took place at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack.

A resolution (S. Res. 749) celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, 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 resolution (S. Res. 749) was agreed to.

The preamble was agreed to.

A resolution (S. 750) celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 750) was agreed to.

The preamble was agreed to.

PLANNING FOR ANIMAL WELLNESS ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 466, S. 4205.

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

The senior assistant legislative clerk read as follows:

A bill (S. 4205) to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, 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, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Planning for Animal Wellness Act”.

SEC. 2. WORKING GROUP GUIDELINES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) WORKING GROUP.—The term “working group” means the advisory working group established under subsection (b).

(b) WORKING GROUP ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish an advisory working group.

(c) MEMBERSHIP.—The working group shall consist of—

(1) not less than 2 representatives of State governments with experience in animal emergency management;

(2) not less than 2 representatives of local governments with experience in animal emergency management;

(3) not less than 2 representatives from non-profit organizations working to address the needs of households pets and service animals in emergencies or disasters;

(4) representatives from the Federal Animal Emergency Management Working Group;

(5) any other members determined necessary by the Administrator.

(d) DUTIES.—The working group shall—

(1) encourage and foster collaborative efforts among individuals and entities working to address the needs of households pets, service and assistance animals, and captive animals, as appropriate, in emergency and disaster preparedness, response, and recovery;

(2) review best practices and Federal guidance, as of the date of enactment of this Act, on congregate and noncongregate sheltering and evacuation planning relating to the needs of households pets, service and assistance animals, and captive animals, as appropriate, in emergency and disaster preparedness, response, and recovery;

(3) not less than 2 representatives from non-profit organizations working to address the needs of households pets and service animals in emergencies or disasters;

(4) not less than 2 veterinary experts;

(5) not less than 2 representatives from non-profit organizations working to address the needs of households pets and service animals in emergencies or disasters;

(6) representatives from the Federal Animal Emergency Management Working Group;

(7) any other members determined necessary by the Administrator.

(e) NO COMPENSATION.—The members of the working group shall serve on the working group on a voluntary basis.

(f) GUIDANCE DETERMINATION.—Not later than 1 year after the date of enactment of this Act, the working group shall determine whether the best practices and Federal guidance described in subsection (d)(2) are sufficient.

(g) NEW GUIDANCE.—Not later than 540 days after the date of enactment of this Act, if the Administrator, in consultation with the working group, determines that the best practices and Federal guidance described in subsection (d)(2) are insufficient, the Administrator, in consultation with the working group, shall publish updated Federal guidance.

(h) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the working group shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) EXTENSION.—The Administrator may extend the date described in paragraph (1) if the Administrator determines an extension is appropriate.

Mr. DURBIN. I ask that the committee-reported substitute amendment be agreed to, the bill, as amended, 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 PRESIDING OFFICER. The clerk will report the resolution by title.

The senior legislative clerk read as follows:

A resolution (S. Res. 698) honoring the dedication of the Ball family to providing college educations and celebrating their 100-year legacy at Ball State University.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.

A resolution (S. 698) honoring the dedication of the Ball family to providing college educations and celebrating their 100-year legacy at Ball State University.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.

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Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.

A resolution (S. Res. 698) honoring the dedication of the Ball family to providing college educations and celebrating their 100-year legacy at Ball State University.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution 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. 698) was agreed to.

The preamble was agreed to.
In Section 13204, the term “lifecycle greenhouse gas emissions” for a qualified hydrogen facility is determined by the aggregate quantity of greenhouse gas emissions through the point of production, as determined under the most recent Greenhouse gases, Regulated Emissions, and Energy use in Technologies—GREET—model. It is also my understanding of the intent of section 13204, that in determining “lifecycle greenhouse gas emissions” for this section, the Secretary shall recognize and incorporate financial and accounting factors, also known as a book and claim system, that reduce effective greenhouse gas emissions, which includes, but is not limited to, renewable energy credits, renewable thermal credits, renewable identification numbers, or biogas credits.

Is that the chairman’s understanding as well?

Mr. WYDEN. Yes.

Mr. CARPER. Thank you, Mr. Chairman.

Additionally, I would like to clarify that the intent of section 13701 allows the Secretary to consider indirect book and claim factors that reduce effective greenhouse gas emissions to help determine a qualified fuel cell property, which does not include facilities that produce hydrogen, fuel for highway vehicles or aircraft.

Mr. WYDEN. I thank the Senator from Oregon for his comments on these issues and his leadership.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN.

I want to comment on the transferable tax credit provisions supporting sustainability in the bill and, in particular, the inclusion of general limitations that already exist in current law for various tax credits. As the chairman knows, the bill includes a historic investment in tax credits and incentives to promote the development of various clean energy technologies and provides a broad regime to permit eligible credits to be transferred from the project owners to another unrelated taxpayer.

Under current law, the ability to claim business tax credits is subject to a number of potential limitations in section 38 of the Tax Code based on the taxpayer’s income tax liability. The bill language does not appear to apply the section 38 limitations to reduce the amount of the credit eligible to be transferred by the transferor of tax credits. This would be consistent with the goal of encouraging additional investment by expanding the availability of these tax credits to project owners without regard to their ability to claim the credits themselves.

I expect that the Treasury Department will develop technical guidance for these transferable credits in a manner that reflects the intent that the section 38 limitations under current law will not apply to the transferor.

Mr. WYDEN. I thank the Senator for his inquiry and can clarify that the Secretary is correct that the current-law limitations that generally apply to tax credits under section 38 would not reduce the amount of credits eligible for transfer by the transferor of transferable tax credits under the bill and that the Treasury Department should issue technical guidance that reflects this intent.

Mr. CARDIN. I welcome the chairman’s leadership and support to clarify this issue, ensuring that the amount of the tax credits eligible for transfer are not limited by section 38 so that they will, in fact, expand investment in projects that will achieve the broader climate goals of this bill.

Ms. HASSAN. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for clarification regarding a tax provision included in the bill currently before the Senate. Section 13704 of the bill, which concerns production credits for biofuels, defines “transportation fuel” that can qualify for the credit as a fuel suitable for use in a fuel cell for high efficiency in a highway vehicle or aircraft. The fuel must also be below a carbon emissions ceiling and meet a processing requirement.

Senator WYDEN, as chair of the Finance Committee, is it his understanding that, although a fuel must be suitable for use as fuel in a highway vehicle or aircraft to qualify for this biofuel production credit, it may still actually be used for any business purpose, including as transportation fuel, industrial fuel, or for residential or commercial heat?

Mr. WYDEN. I thank the Senator for her inquiry. That is correct. The credit is intended to incentivize production of fuel that is suitable for use as fuel after December 31, 2022, for high efficiency in a highway vehicle or aircraft, but not limited only to fuels which are actually used in highway vehicles or aircrafts.

Ms. HASSAN. I thank the chair for that clarification and for engaging in this colloquy.

Mr. MENENDEZ. Mr. President, I rise to engage in a colloquy with my colleague, the chair of the Senate Finance Committee, Senator WYDEN.

In the corporate alternative minimum tax, there is some question as to whether companies that operate in foreign countries with standard tax years that are different from the U.S. could lose foreign tax credits strictly because of these non-conforming years. This may especially be an issue in the very first year of the corporate alternative minimum tax’s application. Does Treasury have authority to issue regulations dealing with potential issues with foreign income taxes related to nonconforming foreign tax years and how that impacts foreign tax credits in the corporate alternative minimum tax? This would include fair rules for the utilization of foreign tax credits in the law’s first year.

Mr. WYDEN. Yes, regulations such as these would be in line with the legislative text and our intent for companies to be able to appropriately utilize foreign tax credits in the corporate alternative minimum tax.

Mr. MENENDEZ. I thank the chairman for this clarification of the provision.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN.

I want to ask for a clarification of the provision in the underlying bill regarding the corporate book minimum tax. Is it the chairman’s understanding and intent that, because the corporate alternative minimum tax is based on financial statement income, it does not include Other Comprehensive Income?

Mr. WYDEN. I thank the Senator for his inquiry and can clarify that, for purposes of the corporate alternative minimum tax, Other Comprehensive Income is not included in financial statement income.

Mr. CARDIN. I thank the chairman for that clarification.

Ms. HASSAN. Mr. President, I ask unanimous consent to engage in a colloquy with Senator WYDEN for clarification regarding a tax provision included in the bill currently before the Senate.

With regard to the advanced manufacturing tax credit, it is the intention that section 45X, as established by section 13502 of the Inflation Reduction Act, is intended to apply to components for which production was completed after December 31, 2022, and are sold to an unrelated party after December 31, 2022?

In other words, the credit should be available to the entirety of eligible components currently underway if those components are concluded after 2022. For example, an offshore wind vessel that began construction in 2019 and was completed at a date after December 31, 2022, would be eligible for the credit applied to the full cost of production of the vessel and not just for the portion completed after December 31, 2022.

Mr. WYDEN. I thank the Senator for his inquiry. That is correct. The credit is intended for any eligible components produced after December 31, 2022, regardless of the portion of the component that was produced before January 1, 2023.

Mr. WARNER. Mr. President, I look forward to passing this important piece of legislation that will help fight inflation, invest in domestic energy production and manufacturing, reduce carbon emissions, and lower healthcare costs for millions of Americans.

Mr. CARDIN. Mr. President, I rise today to engage in a colloquy with the distinguished chairman of the Senate Finance Committee, Senator WYDEN.

There is some question as to the proper ordering of the calculation of...
the credit under section 53 and a taxpayer's liability under section 59A, the base erosion and anti-abuse tax. Does the Treasury have authority to issue regulations dealing with potential issues with the ordering of the calculation of the credit under section 53 and the tax under section 59A?

Mr. WYDEN. Yes, we believe that Treasury will have authority to issue regulations dealing with potential issues with the ordering of the calculation of the credit under section 53 and the tax under section 59A. Regulations such as these would be in line with our intent in drafting the BEAT interaction provisions in the corporate alternative minimum tax.

Mr. CARDIN. I thank the chairman for that clarification.

Mr. VAN HOLLEN. Mr. President, I would like to engage my friend the chairman of the Finance Committee, Senator Wyden, in a colloquy.

One of the many vital investments made in the Inflation Reduction Act to reduce energy costs and confront the climate crisis is the qualified commercial clean vehicle credit. This provides a tax credit of up to $40,000 for qualified heavy commercial electric vehicles, or up to $7,500 for qualified commercial electric vehicles weighing less than 14,000 pounds, which includes both trucks and mobile machinery.

Mobile machinery is a vehicle that is unrelated to transportation, such as a fork lift or a bulldozer. The qualified commercial clean vehicle credit utilizes an existing statutory definition of mobile machinery, the purpose of which is to provide for an exemption from the excise tax on heavy trucks that is deposited into the highway trust fund.

The new application of the mobile machinery definition will raise novel questions about which types of vehicles qualify as mobile machinery, in cases where the definition was not necessary in the context of the excise tax on heavy trucks. One such case is commercial lawn mowers, most of which currently have gas-powered engines that are a significant source of pollution.

I ask the chairman of the Finance Committee whether commercial lawn mowers can fit the criteria of mobile machinery and, therefore, qualify for the qualified commercial clean vehicle credit, provided that the vehicle meets the other criteria for the credit.

Mr. WYDEN. A commercial lawn mower could qualify as mobile machinery, since it performs a similar operation to the purposes listed in the statute. Therefore, if such a vehicle met the other criteria for the qualified commercial clean vehicle credit, it would be eligible.

Mr. VAN HOLLEN. I thank the Senator for clarifying this point, and I share his understanding.

Mr. CARDIN. Mr. President, the legislation being considered today includes a historic expansion of the section 179D commercial buildings energy-efficiency tax deduction. The deduction, made permanent in 2020, is an important tool to tackle climate change by encouraging investments in energy-efficient buildings.

I have been made aware of a discouraging trend. As I read section 179D that some entities attempt to receive payments in exchange for providing section 179D allocation letters to private sector building designers. As I have said before, entities seeking to avail themselves of the tax benefits of section 179D cannot accept, or solicit payments from designers in exchange for providing section 179D allocation letters.

The issuance of a section 179D allocation letter shall not be used as leverage to request a payment from a designer; allocation letters should be duly issued once the applicable design services have been performed.

These actions run counter to the intent of section 179D’s express direction to allow the allocation of the section 179D deduction “... to the person primarily responsible for designing the property in lieu of the owner of such property.”

Consistent with congressional intent, section 179D allocation letters are administrative in nature and serve to formalize the allocation of the tax deduction to the eligible designer.

As section 179D is rightly expanded in the legislation being considered in the Senate, it is important that it is congressional intent that entities cannot seek, accept, or solicit payments in exchange for providing 179D allocation letters.

Mr. GRASSLEY. Mr. President, this body has a long record of coming together to improve healthcare for Americans. In 2003, we worked in a bipartisan manner to establish the Medicare Part D benefit. More recently, I have worked with my Finance Committee colleagues on oversight investigations to hold: EpiPen manufacturers accountable who were misusing taxpayer dollars, insulin manufacturers and PBMs accountable who were unfairly increasing the list price of insulin, and our organ donation system accountable and investigate its troubling underperformance.

We can work together and meaningfully improve healthcare. This Congress, I have worked with my Demo- cratic colleagues to introduce eight bills to lower drug costs. In the past year alone, we have passed five of my bills out of committee on a bipartisan basis. They will lower drug prices and create more competition while holding Big Pharma and PBMs accountable. Unfortunately, the leader has not brought any of these bills up for a vote, even though they would easily pass the Senate. But this hasn’t stopped me from trying to find other ways to help bring down the cost of medicines.

In 2019, as Finance Committee chair- man, I began a bipartisan committee process with the ranking member from Oregon to lower the cost of prescrip- tion drugs. The bill is called the Pre- scription Drug Pricing Reduction Act. We held three committee hearings to learn from policymakers and advocates while also holding Big Pharma and PBMs accountable. We held a com- mon mark-up where the bill passed 19 to 9, on a bipartisan basis. We continued to hold additional negotiations to make improvements to the bill. It contained stuff I liked and didn’t like. But that is bipartisan legislation. Today, it is still the only comprehensive prescription drug bill that can garner more than 60 votes on the Senate floor.

I recently outlined on the floor the bills’ details in case the majority party has forgotten. I won’t restate every part of my July 20 speech, but here are some of my bill’s key measures: No. 1, it lowers costs for seniors by $72 billion and saves taxpayers $85 billion. No. 2, it establishes an out-of-pocket cap, eliminates the donut hole, and redesigns Medicare Part D. No. 3, it ends taxpayer subsidies to Big Pharma by capping price increases of Medicare Part D drugs. No. 4, it establishes accountability and transparency in the pharmaceutical industry. No. 5, and the bill is bipartisan. Believe it or not, a bipartisan bill limiting pharmaceutical increases is pos- sible. I compare this to what the major- ity has offered: Their partisan bill includes more reckless spending and tax increases. Their partisan bill reduces the number of new cures and treatments. Their partisan bill fails to enact any bipartisan accountability for Big Pharma and PBMs.

Even while the majority party has decided to pursue a purely partisan bill in secret over the past 20 months, I have continued to meet with Demo- crats and Republicans to advance my bipartisan and negotiated bill. I have met or spoken with: President Biden and White House staff, Speaker PELOSI, Leader MCCARTHY, HHS Secretary BEALEY, House Democrats who wanted a bipartisan bill. Problem Solvers Caucus Health Care Working Group, Congresswoman WELCH, Congresswoman McMorris Rodgers, Democrat Senators SINEMA and CARPER, and others.

I wanted a bipartisan bill to pass this Senate. We could still pass the Pre- scription Drug Pricing Reduction Act. My colleagues know it. Several of them have thanked me publicly on my bipar- tisan work to lower prescription drug prices. Unfortunately, they have chosen a dif- ferent route. They have chosen a bill that contains zero PBM accountability. It gives middlemen a pass. They have chosen a bill that contains none of the 25 accountability and transparency provisions that have consensus in my bill. This includes ending DIR clawbacks that are hurting pa- tients’ pocketbooks and small/inde- pendent pharmacies; ending “spread pricing” in Medicaid that is drive up costs; requiring more on PBMs through financial audits, so we know the true net cost of a drug; re- quiring sunshine on excessive drug
price increases and launch price of new high-cost drugs. None of these bipartisan accountability and transparency provisions—and more—are included in their bill.

Finally, one last thing I would like to address about my colleagues’ reckless tax and spending bill: I have heard some of my colleagues on the other side say this bill’s prescription drug provision is Grassley-Wyden. That is untrue. This is a reckless tax and spending bill. It is not bipartisan, and no reporter should accept or repeat that notion. I oppose the partisan bill because it is a long list of reckless tax increases and spending. This is not the bipartisan prescription drug bill that passed out of the Finance Committee 19 to 9.

I have filed the Prescription Drug Pricing Reduction Act as an amendment today. We could strike and replace this reckless tax and spending spree with comprehensive drug pricing reform that could garner more than 60 votes and lower drug prices while holding Big Pharma and PBMs accountable. We could actually enact meaningful accountability and transparency in the pharmaceutical industry. I have filed that amendment, too. We could pursue PBM transparency and accountability. I have filed that amendment, too.

I have said throughout this Congress, I will work with anyone who wants to pass the bipartisan and negotiated Prescription Drug Pricing Reduction Act.

The PRESIDING OFFICER. The Senator from Ohio.

H.R. 5765

Mr PORTMAN. Mr. President, I come to the floor this evening to talk about the partisan reconciliation legislation that is before us tonight. It is named the Inflation Reduction Act, but that is misnamed because, unfortunately, this legislation is going to make it even worse. It adds $700 billion more in spending and over $300 billion more in new taxes at the worst possible time, increasing costs to consumers and actually making inflation worse.

The nonpartisan Penn Wharton Budget Model that a lot of us have used over the years to look at various legislation predicts that it will actually increase inflation over the next 2 years.

While over time it says that may even out, it won’t decrease inflation as the name suggests and the bill sponsors claim. Why? Well, primarily because when you put $300 billion-plus of new taxes on the economy, it actually hurts workers and it hurts consumers.

Yes, they are saying it is going to go to companies, but what happens then? Companies pass it along. And at a time when we have the worst inflation in over 40 years, that is bad for the economy.

The nonpartisan Joint Committee on Taxation that we have to rely on here in Congress—not a partisan group but nonpartisan—says this bill will hurt Americans in nearly every tax bracket. They say that more than half of the burden of the over $300 billion in new taxes is going to fall on folks making less than $40,000 a year.

Well, that directly contradicts promises made not to increase taxes on Americans at that level.

While I am glad the blow to manufacturers has been somewhat softened in the latest version, with the latest version of the bill, what the Democrats did was essentially exchange one bad tax—the book tax on manufacturers—for another bad tax, a tax that will tax stock buybacks, that is going to hurt particularly Americans who are trying to save for retirement.

Let me start with the book tax. This is a proposed tax that is very different from the existing corporate income tax which is based on income that business report to the IRS when they file their taxes. That IRS income, this way, is defined by the U.S. Congress. Here in the Senate, we debate that all the time: Is it good to have a particular tax incentive or another tax incentive, that is not in the book tax? The book tax, instead, is based on the company’s financial statement. And that is what this new bill does.

In fact, it comes up with a whole other definition of tax and, therefore, another tax system called the adjusted book tax. This is broader than the IRS income. It is not fair. It is way too complicated, and it is going to hurt employees and consumers.

Taxable income owed the IRS is meant to raise revenue, and, again, it includes these incentives or disincentives for certain activity like being able to immediately deduct the cost of new equipment, if you are a manufacturer. We want to encourage that, particularly in periods of high inflation, so we allow them to do that.

The financial statement income is not determined by us. It is not determined by elected representatives at all. In fact, Congress does not have anything to do with it. It is actually determined by something called the Financial Accounting Standards Board, which is a private nonprofit recognized by the U.S. Securities and Exchange Commission as the accounting standard setting for private companies.

That may be useful for determining accounting standards, but this change effectively puts these people in control of what the corporate tax base is, even though they are not elected to anything. That doesn’t make sense. Let’s not set up a whole new tax system for some companies. Let’s learn from the past.

Back in 1986, when we passed a big tax reform bill, they put a book tax in place, and it was repealed less than 3 years later. Why? Because it was viewed as unfair, way too complicated, and, actually, they thought that you shouldn’t have these nonelected officials deciding what the taxes ought to be.

They said it was bad for the economy, too, because companies were managing to the book tax rather than the IRS tax. So let’s learn from the past. Why would we want to do that again, set up a whole other tax system, tax the American economy, tax consumers, tax workers, and do so through something that in 1986, we looked at and decided this is not working?

So Democrats will say tonight, Well, this new complicated tax system is just going to affect big companies.

That is true, but you know what, big companies employ a lot of people, and a lot of people are going to be hurt. They also sell to a lot of consumers, all of us who will be hurt. Last year, there were over 200 companies listed on the Fortune 500 as meeting the criteria that is set out in this legislation. They employed 13 million Americans. It is those employees and those who are customers who are going to bear the brunt of these tax increases as it is passed down to them in the form of lower wages, lower benefits, and higher prices for goods and services.

The Joint Committee on Taxation, a nonpartisan group, just last year said they expected 25 percent of these corporate taxes to fall on workers; again, that means lower wages. The nonpartisan Congressional Budget Office says that employees and workers bear more like 70 percent of the burden of income taxes, so there is a long list of analyses in-between.

Let’s say between 25 percent and 70 percent of these taxes are going to fall on workers in the form of lower pay and lower benefits at a time when wages are not keeping up with inflation that is getting higher and higher.

And, by the way, it is not just wages. The IRS income, by the way, is meant to save for retirement when they are all due to the recent economic contraction and the record inflation we are experiencing.
Fifty-eight percent of Americans own stock, and 60 million investors invest in an IRA or a 401(k). We want people to save for retirement; it is a good thing. We want them to have healthy retirement. So when Democrats say they worry about stock prices going up, I have to ask: Are they worried about people having a healthy retirement account?

Again, when companies buy back stock, it generally causes that stock to go up, which means it makes Americans' retirement accounts that much larger. Why is that a problem? The Tax cans' retirement accounts that much stock, it generally causes that stock to rise, I have to ask: Are they worried about people having a healthy retirement account?

This type of proposal will impact families and their retirement, and for that reason, we should not even go down this path. Democrats will also tax employee stock ownership programs, or ESOPS, in this package. I think some of my colleagues might be surprised to hear that. ESOPS are plans to give employees ownership of their own companies, with tax incentives for the dividends to go to their retirement savings. They are really popular. ESOPS work; they are great. They enjoy wide bipartisan support here in the Congress. Employees have this ownership stake, and because of that, those employees are more productive. They are more profitable. They are more productive. The companies benefit from it. I don't understand why Democrats want to punish this ownership structure. Doing so will, once again, discourage investment and hard work, and it could not come at a worse time.

That is why I want to introduce an amendment tonight that will exempt ESOPS from the minimum tax book tax. This is a commonsense amendment—nothing complicated about it. It will encourage savings and investment; it is good for the country; and I encourage my colleagues on both sides of the aisle who support ESOPS to support the amendment.

I also plan to offer an amendment that will increase funding for Customs and Border Patrol by $500 million that will be used for new technology to detect fentanyl and other dangerous drugs that are, unfortunately, flooding across our southern border.

Over 100,000 Americans died of drug overdoses last year, the worst year on record. Unfortunately, more and more people are dying of overdoses, and they are dying from this synthetic opioid called fentanyl. About two-thirds of those overdose deaths were due to fentanyl.

At a time when deadly fentanyl is flooding across the border, only 2 percent of cars and only 16 percent of commercial vehicles are being screened. Now, these drugs come across the ports of entry where only 2 percent of cars and 16 percent of trucks are being screened. They also come between the ports of entry, but at a minimum, we should be able to do screening of these vehicles and trucks. It is a gaping hole in our border security, and it has got to be fixed.

This amendment will simply assure that the new funds in this bill for the Department of Homeland Security bureaucracy, for an office called Read- added, $10 billion appropriation to a higher priority, to have Customs and Border Protection be able to detect and stop deadly fentanyl that is being smuggled into this country at record levels.

So this money would stay at the Department of Homeland Security. It will instead be used for a more urgent priority. Let's be serious about our national security and this drug crisis we face, and let's give the Border Patrol what they need to counter the drug cartels and the traffickers.

Tonight, I also plan to offer an amendment to ensure the new postal electric vehicles are actually made in the United States of America. In this bill, there is a $3 billion appropriation to the Postal Service. We just went through postal reform, as some of you know, we provided them additional funding that they needed. This is an additional $3 billion appropriation to buy electric vehicles and charging infrastructure. However, there is no requirement that these vehicles be made in America, with U.S. batteries and other components.

In other words, the bill uses taxpayer funds to buy electric vehicles that can be made with Chinese batteries and Chinese critical minerals. We know that this is counter to everything we are trying to do around here. We just passed legislation to make massive profits pay something, and 15 percent isn't even their fair share. And it is part of a global agreement to hold corporations accountable, so they don't skip from one country to another, to another, evading everyone everywhere.

My colleague also said a lot about why we should not put a 1 percent tax on stock buybacks. Let's understand what stock buybacks are. First of all, a president of a company works to get a board, and that board is compensated, and then that board makes lots of decisions about, well, everything we set the salaries for the top executives. They set the salaries for the top executives, and then they give them stock options.

Now, if you have a stock option and then your company buys back stock, every share gets more valuable; you make a massive amount of money. This is a corrupt system. It does nothing to fund the infrastructure and the productivity of America. It does nothing to increase the R&D—research and development—that goes into new products. It does nothing to make their product more price competitive.

It is an “enrich the rich” scheme, and putting a 1 percent fee on that to help pay for all of the infrastructure the companies use is certainly more than appropriate. In fact, we should simply ban the stock buybacks. This is a very, very modest reform in the right direction.

It is the case that in this Chamber, under the Republican stock provisions,
1 year after another under their tax provisions, they have basically enabled the billionaires and corporations to escape any contribution to the welfare of our country. That is wrong. These tax reforms are right, and the healthcare provisions will help.

They are not nearly as powerful as I would like to see, certainly. I want to negotiate every single drug, the way the Veterans’ Administration does, the way every foreign country does, every developed country does. We should get the best prices, not the worst in the developed world.

And in climate, while this, again, doesn’t do everything I want, the investments in solar and wind will drive a bold, determined transition from fossil fuel energy to renewable energy.

We have to electrify everything with renewable energy. If we do that, set that example for the world and work with the world, we have some chance of humanity tackling this massive problem and ensuring that is coming so much trouble across our land—from the massive floods in Kentucky to the forest fires of the Pacific Northwest, town after town being burned down. It is really America that has to lead the way.

There is a lot more I would like to see in this bill, just as my colleague from Ohio has a whole series of ideas.

I filed a lot of amendments, but I can’t pull them up tonight. I can’t ask for a vote on them because the structure that we are dealing with now, anything that changes may result in this bill never passing, and so this is why, when we come back in the next session of Congress, we have to reform this Senate so we can do legitimate amendments like my colleague from Ohio suggested in a process where they get due consideration and don’t torpedo the bill under which we are discussing them.

These reforms are so essential because the arc of this Chamber has been one in which individual amendments have been incredibly suppressed. It is unacceptable. We are all so frustrated with the fact that deals are made by one in which individual amendments have been incredibly suppressed. It is unacceptable. We are all so frustrated with the fact that deals are made by

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Mr. GRAHAM. Mr. President, to the Members of the body, if you think America needs a new gas tax, then your ship has come in. Vote for the Democratic bill because, believe it or not, these people over there want to raise gas taxes right now.

The last time they tried to help you was the American rescue act. And here is what the Vice President said: Help has arrived for the families who have struggled to put food on their table, for the small businesses that have struggled to keep their doors open. Help has arrived.

She said that in March. Inflation was 2.6 percent. Help has arrived. It is 9.1 percent.

This bill will increase gas taxes 16.4 cents on every barrel of imported oil and petroleum, and every barrel of crude oil found in America, to be refined in America, will have an additional 16.4 cents-per-barrel-tax increase.

This is insane. This is stupid. If you like high gas prices, vote for them. If you want to lower prices at the pump, vote for my amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, this amendment would strike a four-tenths-of-a-cent-per-gallon fee on Big Oil refiners that helps pay for the cleanup of toxic waste spills, especially important to our low-income, historically disadvantaged communities.

One expert analysis found that our bill is going to decrease the average household’s energy costs by $500 per year. So, for many consumers, the Superfund fee would be less than $10 a year, a fraction of the savings from our bill.

I urge my colleagues to oppose the amendment.

VOTE ON AMENDMENT NO. 5304

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk read as follows:

The Senator from New Hampshire [Ms. HASSAN] proposes an amendment numbered 5469 to amendment No. 5194.

The amendment is as follows:

(Purpose: To eliminate the reinstatement of Superfund taxes)

Strike part 6 of subtitle D of title I.

The PRESIDING OFFICER. The are 2 minutes equally divided.

The Senator is recognized.

Ms. HASSAN. Mr. President, this is a commonsense, straightforward amendment to strike the surcharge on barrels of oil, and I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Thank you very much. This gives phony and cynical a bad name. They wouldn’t let you do this in professional wrestling. If you think people are this dumb, you are going to be sadly mistaken.

What she is doing is trying to strike the provisions that she just voted against, but it requires 60 votes. So she can vote for repealing a gas tax she just voted against so she will look good for the voters.

If you really wanted to repeal the gas tax, the new one indexed for inflation, you should have voted for my amendment. What you are doing is deceitful, dishonest, and we are going to call you out.

The PRESIDING OFFICER. Senators are reminded to address each other and be mindful of rule XIX.

The amendment (No. 5301) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 5469 TO AMENDMENT NO. 534

Ms. HASSAN. Mr. President, I call up amendment No. 5469, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The result was announced—yeas 55, nays 45, as follows:

[Votable Call Vote No. 290 Leg.]

Youthful, honest, and we are going to call you out.

The PRESIDING OFFICER. This on the vote, the yeas are 55, the nays are 45.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment fails.

I would remind the Chamber that this is the beginning of a long night. Senators are reminded to address all remarks through the Chair in the third person and to be mindful of rule XIX.

Rule XIX provides that no Senator in debate shall, directly or indirectly, by any form or words impugn to any Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

Mr. President, I raise a point of order that the pending amendment violates section 4106 of the concurrent resolution on the budget for fiscal year 2018, H. Con. Res. 71, of the 115th Congress, the Senate pay-as-you-go point of order.

The PRESIDING OFFICER. The Senator from New Hampshire.
The Senator from Wyoming, Mr. BARRASSO. I call up amendment No. 5409 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO] proposes an amendment numbered 5409 to amendment No. 5194.

The amendment is as follows:

(Purpose: To require certain additional onshore oil and gas lease sales in certain states)

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026. MANDATORY ADDITIONAL ONSHORE OIL AND GAS LEASE SALES IN CERTAIN STATES.

(b) REQUIREMENT.—Subject to subsections (a) and (c), and not later than December 31, 2022, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall conduct an oil and gas lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.) in each of the States in which the Bureau of Land Management conducted lease sales in June 2022.

(b) PARCELS.—The oil and gas lease sales required under subsection (a) shall include, at a minimum, all parcels—

(1) that were evaluated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process for the June 2022 sales; but

(2) that were deferred by the applicable Bureau of Land Management State Director.

(c) METHOD OF SALE.—The oil and gas lease sales required under subsection (a) shall be conducted in addition to the quarterly oil and gas lease sales required under section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

The amendment (No. 5409) was rejected.

The PRESIDING OFFICER. The Senator from Vermont, Mr. SANDERS, Mr. President, I call up amendment No. 5211, as modified, and I ask that it be reported by number.

The amendment (No. 5409) was added at the end the following new subparagraph:

(3) by adding at the end the following new subparagraph:

"(III) dental and oral health services (as defined in section 1861(III))".

The amendment is as follows:

(II) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x(a)) is amended by adding at the end the following new subsection:

(III) DENTAL AND ORAL HEALTH SERVICES.

(1) IN GENERAL.—Except as provided in paragraph (2), the term "dental and oral health services" means the following items and services that are furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (3)) on or after January 1, 2025:

(A) PREVENTIVE AND SCREENING SERVICES.—Preventive and screening services, including oral exams, dental cleanings, dental x-rays, and fluoride treatments.

(B) BASIC PROCEDURES.—Basic procedures, including services such as minor restorative services, periodontal maintenance, periodontal scaling and root planing, simple tooth extractions, therapeutic pulpotomy, and other related items and services.

(C) DENTURES.—Dentures and related items and services including related items and services.

(2) EXCLUSIONS.—Such term does not include items and services for which, as of the date of the enactment of this subsection, coverage was permissible under section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10).

(3) ORAL HEALTH PROFESSIONAL.—The term "oral health professional" means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished.

(C) PAYMENT; COINSURANCE; AND LIMITATIONS.

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395m(a)(1)), as amended by section 11101, is amended—

(A) in subparagraph (N), by inserting "and dental and oral health services (as defined in section 1861(III))" after "section 1861(hhh)(1)"; and

(B) by striking "and" before "(EE)" and (C) by inserting before the semicolon at the end the following: "with respect to dental and oral health services (as defined in section 1861(III)), the amount paid shall be the payment amount specified under section 1833(a)(1)."

(2) PAYMENT AND LIMITS SPECIFIED.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(C) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.

(1) PAYMENT.—The payment amount under this part for dental and oral health services (as defined in section 1861(III)) shall be, subject to paragraphs (3) and (4), 80 percent of the lesser of—

(A) the actual charge for the service; or

(B)(i) in the case of such services furnished by a doctor of dental surgery or of dental medicine (as described in section 1861(III)), the amount determined under the fee schedule established under paragraph (2); or

(B)(ii) in the case of such services furnished by an oral health professional (as defined in section 1861(III)), 85 percent of the amount determined under the fee schedule established under paragraph (2)."

(C) ESTABLISH THE FEE SCHEDULE FOR DENTAL AND ORAL HEALTH SERVICES.

"(A) ESTABLISHMENT.—
“(I) IN GENERAL.—The Secretary shall establish a fee schedule for dental and oral health services furnished in 2025 and subsequent years. The fee schedule amount for a dental or oral health service shall be equal to—

(aa) for 2025, the median fee for the services described in subparagraph (A), the Secretary shall apply the national median fee established under section 1842(r)(2) and an oral health professional (as defined in section 1861(lll)) or an oral health professional (as defined in section 1861(lll)) and inserting “(D)”.

(b) for 2026 and subsequent years, the amounts determined for such services under this subsection, adjusted by the applicable percent increase determined for the year involved using the applicable percent increase for the year determined under subparagraph (II) for the year involved using the applicable percent increase for the year determined under clause (iv) of such subparagraph, adjusted by the geographic adjustment factor established under section 1872(b)(3)(B)(xi)(II) for the year involved.

(ii) ADJUSTMENTS.—

(I) IN GENERAL.—The Secretary shall, to the extent the Secretary determines to be appropriate and necessary, adjust the amounts determined under the fee schedule established under this paragraph for 2025 and subsequent years to take into account changes in the Practice Cost Index that dictate changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

(II) LIMITATION ON ANNUAL ADJUSTMENTS.—The adjustments under subparagraph (I) for a year shall not cause the amount of expenditures under this part in the year to differ by more than $20,000,000 from the amount of expenditures under this part that would have been made if such adjustments had not been made.

(b) LIMITATIONS.—With respect to dental and oral health services that are preventive and screening services described in paragraph (1)(A) of section 1861(lll)), in lieu of any limits on reasonable charges for such services, the Secretary may make payment for such services at rates determined appropriate by the Secretary.

(1) THE PAYMENT BASIS DETERMINED UNDER SECTION 1848.

(2) Fee schedules for dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as defined in section 1861(r)(2)) or an oral health professional (as defined in section 1861(lll)) who is employed by or working under contract with a rural health clinic if such rural health clinic furnishes such services.”;

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(ii) by striking “(D)”.

(iii) by inserting “(D)”.

(B) CONGRESSIONAL RECORD — SENATE
until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits (or January 1, 2030, if no such determination has been made as of such date) after "may prescribe in regulations"; and
(ii) by adding at the end the following new subsection:

"(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.—Payments for rural health clinic services other than dental and oral health services (as defined in section 1861(ll)(lll)) are based on rates payable for such services if the Secretary determines sufficient data has been collected to otherwise establish rates for such services under the payment basis established under section 1848.

(b) PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(ll)(lll)) that are Federally qualified health center services under the prospective payment system established under this subsection, base such rates on costs attributable to such services under the payment basis established under section 1848 until such time as the Secretary determines that sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2030, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such dental and oral health services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.

(h) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2024, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2024.

SEC. 11501. PAYMENT FOR SERVICES TO CERTAIN PRACTITIONERS TO RECEIVE PAYMENT UNDER THE MEDICARE PROGRAM.

(a) PROVIDE AUDIOLGY SERVICES BY QUALIFIED AUDIOLGISTS AND QUALIFYING AID PROFESSIONAL.—

(1) IN GENERAL.—Section 1861(ll)(i) of the Social Security Act (42 U.S.C. 1395u(a)(ll)), as amended by section 11302, is amended—

(A) in paragraph (3)—

(i) by striking "and" before "(a)"; and

(ii) in subparagraph (A), as added by clause (i) of this subparagraph—

(I) by striking "means such hearing and balance assessment services and inserting "means—";

(II) in clause (i), as added by subsection (aa) of section 1861(ll)(lll), by inserting after "(3):";

(iii) in clause (ii)(A), by striking "(d)" and inserting "(c)"; and

(iv) in the following new clause:

"(w) Beginning on January 1, 2024, a qualified hearing aid professional (as defined in paragraph (4)(C)) is legally authorized to perform under State law (or the State regulatory mechanism provided under paragraph (10)(C)) to the extent that he is covered by a physician."; and

(ii) by adding at the end the following new subparagraph:

"(B) Beginning January 1, 2024, audiology services described in subparagraph (A)(i) shall be furnished without a requirement for an order from a physician or practitioner; and

(B) by adding at the end the following new subparagraph:"

"(1) I NCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8)(A) of the Social Security Act (42 U.S.C. 1395u(b)(18)) is amended by adding at the end the following new paragraphs:

"(a) DEFINITIONS.—In this subsection:

"(1) HEARING AID.—The term 'hearing aid' means—

(i) a qualified audiologist;

(ii) a physician (as defined in section 1861(o)(1));

(iii) a physician assistant, nurse practitioner, or clinical nurse specialist;

(iv) a qualified hearing aid professional (as defined in subsection (a)(1)); and

(V) other suppliers as determined by the Secretary.

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.—Section 1834(h)(2)(C) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

"(B) QUALIFYING AID SERVICES.—Hearing aids described in section 1861(a)(8) for which payment would otherwise be made under section 1834(h)."

(B) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended by adding at the end the following new subparagraph:

"(B) QUALIFYING AID SERVICES.—Hearing aids described in section 1861(a)(8) for which payment would otherwise be made under section 1834(h)."

(2) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

"(C) HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the extent that the hearing aid is furnished in part as part of the physician’s or practitioner’s professional service.

(3) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w–3(a)) is amended by adding at the end the following new paragraph:
"(8) COMPETITION WITH RESPECT TO HEARING AIDS.—Not later than January 1, 2029, the Secretary shall begin the competition with respect to the items and services described in paragraphs (2) and (3) of this subsection. The Secretary shall begin the competition with respect to the items and services described in paragraphs (2) and (3) of this subsection if the Secretary imposes by regulation to protect against program or patient abuse.

(c) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(a)(7)) is amended by inserting "(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))" after "hearing aids or examinations therefor".

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(a)(7)) is amended by inserting "(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))" after "hearing aids or examinations therefor".

(e) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by section 11501(d), is amended—

(i) in subsection (a)(3)(A), by inserting "and audiological services (as defined in section 1861(1)(B))" after "physician services".

(ii) in subsection (a)(1)(B), by inserting "or a qualified audiologist or a qualified hearing aid professional (as such terms are defined in section 1861(1)(B))" after "(other than such a professional)".

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(o)), as added by section 11501(e), is amended—

(i) in the first sentence, by inserting "and audiological services (as defined in section 1861(1)(C))" after "(as defined in section 1861(1))"; and

(ii) in the second sentence, by inserting "and such audiological services" after "such dental and oral health services".

SEC. 11504. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(a)(2) of the Social Security Act (42 U.S.C. 1395x(a)(2)), as amended by section 11502(b), is amended by adding at the end the following new subparagraph:

"(M) vision services (as defined in subsection (mmm));"

(b) VISION SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 11502(b), is amended by adding at the end the following new subsection:

"(mm) VISION SERVICES.—The term 'vision services' means routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination, furnished on or after January 1, 2023, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations or procedures (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which such examinations or procedures are furnished.

(c) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 11502(c), is amended by adding at the end the following new subsection:

"(a) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mm)) and an individual, payment shall be made under this part for only 1 routine eye examination furnished in such subsection during a 2-year period.

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(b)(3) of the Social Security Act (42 U.S.C. 1395w–14(b)(3)) is amended by inserting "(ii)(JJ)" before "(ii)(3)".

(e) COVERAGE OF CONVENTIONAL EYEGLASSES.—Section 1862 of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 11503(b), is amended by adding at the end the following new subparagraph:

"(JJ) conventional eyeglasses (as defined in section 1861(mmm)) that are routine eyeglasses or enhanced eyeglasses (as defined in section 1861(mmm)) for which payment would otherwise be made under section 1834(h).

(f) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 11503(b), is amended—

(i) in paragraph (1)—

(A) in subparagraph (P), by striking "and" at the end; and

(B) in subparagraph (Q), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(X) in the case of vision services (as defined in section 1861(mm)) that are routine eye examinations as described in such section, which are furnished more frequently than once during a 2-year period;"; and

(ii) in paragraph (7)—

(A) by inserting "(other than such an examination that is a vision service that is covered under section 1861(2)(JJ))" after "eye examinations"; and

(B) by inserting "(other than such a procedure that is a vision service that is covered under section 1861(2)(JJ))" after "refractive state of the eyes".

(g) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(iii) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)), as added by section 11501(d) and amended by section 11503(f), is amended—

(i) by striking "or dental" and inserting "dental;" and

(ii) by striking "or vision services (as defined in subsection (mmm) of such section)"
(1) IN GENERAL.—The alternative monthly actuarial rate described in this subparagraph is—

(i) for 2025, the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by section 11502 of the Act titled ‘‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, did not apply, plus the applicable percent of the amount by which—

(aa) the monthly actuarial rate for enrollees age 65 and over for the year determined according to paragraph (1) exceeds

(bb) the monthly actuarial rate for enrollees age 65 and over for the year, determined as if the amendments made by such section 11502 did not apply.

(ii) DEFINITION OF APPLICABLE PERCENT.—

For purposes of this subparagraph, the term ‘‘applicable percent’’ means—

(I) for 2026, 25 percent; and

(II) for 2027, 50 percent; and

(III) for 2028, 75 percent.

(2) PHASE-IN OF INCREASE.—The increase described in paragraph (1) is determined—

(A) in the case of a taxpayer filing a joint return, as the excess of—

(i) the amount described under subparagraph (B) over

(ii) the threshold amount, subsection (a)(1) shall be reduced by—

(B) the amount determined under subparagraph (A) in lieu of the alternative monthly actuarial rate described in paragraph (1) as—

(C) the applicable percentage of the applicable amount determined under paragraph (1) if—

(i) the applicable amount determined under paragraph (1) exceeds—

(ii) the threshold amount, subsection (a)(1) shall be reduced by—

(D) SPECIAL RULE.—Net investment income shall not include—

(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

(B) wages received with respect to employment on which a tax is imposed under sections 3101(b) or 3201(a) (including amounts taken into account under sections 3121(v)(2), and

(C) wages received from the performance of services earned outside the United States for a foreign employer.

(3) NET OPERATING LOSSES NOT TAKEN INTO ACCOUNT.—Section 1411(c)(1)(B) of such Code is amended by inserting ‘‘other than section 172’’ after ‘‘this subtitle’’.

(3) INCLUSION OF CERTAIN FOREIGN INCOME.—

(A) IN GENERAL.—Section 1411(c)(1)(A) of such Code is amended—

(i) in the case of a taxpayer filing a joint return, as the excess of—

(ii) the amount determined under paragraph (1) as—

(3) CERTAIN PREVIOUSLY TAXED INCOME.—

(A) IN GENERAL.—Section 1411(c)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

(B) PROPER TREATMENT OF CERTAIN PREVIOUSLY TAXED INCOME.—Section 1411(c)(B) of such Code is amended by adding the following new paragraph:

(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

(A) the excess described in paragraph (1), bears to

(B) $100,000 (½ such amount in the case of a married taxpayer as defined in section 7701) filing a separate return).

(3) HIGH INCOME THRESHOLD AMOUNT.—For purposes of this subsection, the term ‘‘high income threshold amount’’ means—

(A) except as provided in subparagraph (B) or (C), $400,000,

(B) in the case of a taxpayer making a joint return under section 6013 and a surviving spouse (as defined in section 2(a)), $500,000, and

(C) in the case of a married taxpayer (as defined in section 7701) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

(4) SPECIFIED NET INCOME.—For purposes of this section, the term ‘‘specified net income’’ means net investment income determined—

(A) without regard to the phrase ‘‘other than such income which is derived from the ownership of a trade or business not described in paragraph (2),’’ in subsection (c)(1)(A),

(B) without regard to the phrase ‘‘described in paragraph (2)’’ in subsection (c)(1)(A)(ii),

(C) without regard to the phrase ‘‘other than property held in a trade or business not described in paragraph (2)’’ in subsection (c)(1)(A)(iii),

(D) without regard to paragraphs (2), (3), and (4) of subsection (c) of section 469(c) as determined without regard to the phrase ‘‘To the extent provided in regulations in such paragraph’’ as applying for purposes of subsection (c) of this section.

(2) AMENDMENTS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)), as amended by section 11502(g) and amended by inserting ‘‘and vision services (as defined in subsection (mmm))’’ after ‘‘(as defined in subsection (lll))’’.

(2) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395b), as amended by sections 11502(g) and 11503(e), is amended—

(i) in subsection (a)(3)(A)—

(ii) in ‘‘audiology’’ and inserting ‘‘, and such vision services’’.

(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395m(m)), as added by section 11502(g) and amended by section 11503(e), is amended—

(i) in the first sentence—

(ii) by striking ‘‘and audiology’’ and inserting ‘‘, and such audiology services’’ and

(iii) by inserting ‘‘, and such audiology services, and such vision services’’.

(C) EXTENDING IMPLEMENTATION.—The Secretary shall implement this section for the period beginning on January 1, 2023, and ending on December 31, 2024, through program instruction or other forms of program guidance.

(2) IN GENERAL.—The alternative monthly actuarial rate described in this subparagraph is—

(1) DETERMINATION OF ALTERNATIVE MONTHLY ACTUARIAL RATE FOR EACH OF 2025 THROUGH 2028.—For each of 2025 through 2028, the Secretary shall, at the same time as and in addition to the determination of the monthly actuarial rate for enrollees age 65 and over determined in each of 2024 through 2027 for the succeeding calendar year, according to paragraph (1), determine an alternative monthly actuarial rate for enrollees age 65 and over for the year as described in subparagraph (B).
the Secretary of the Treasury or his delegate pursuant to subtitile F of such Code after December 31, 2022, over

"(B) the taxes which would have been imposed under such section after such date, determined as if the amendments made by section 11511 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' (designated by section (i)(M)) of section 11512 of the Act (as added by section 11512 of such Code) shall be applied by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(i) thereof,

"(B) in the case of adjustments to the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(i)(B))—

(ii) no adjustment shall be made for taxable years beginning after December 31, 2022, and before January 1, 2024, and

(iii) in the case of any taxable year beginning after December 31, 2023, subsection (f)(8) shall be applied by substituting 'calendar year 2022' for 'calendar year 2016'.

"(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

"(D) subsection (f)(8) shall not apply.

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET.—The regulations or other guidance issued by the Secretary under subsections (d)(1)(V) and (d)(2)(V) of the Internal Revenue Code of 1986 (as added by this section) shall include provisions which provide for the proper coordination and application of clauses (i) and (iv) of section 111(c)(1)(A) with respect to—

(1) taxable years beginning on or before December 31, 2022, and

(2) taxable years beginning after such date.

SEC. 11512. INCREASE IN TOP MARGINAL INDIVIDUAL INCOME TAX RATE.

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last two rows and inserting the following:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Tax Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $400,000</td>
<td></td>
</tr>
<tr>
<td>Over $500,000</td>
<td>$108,879, plus 39.6% of the excess over $500,000.</td>
</tr>
</tbody>
</table>

(2) HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(B) of such Code is amended by striking the last two rows and inserting the following:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Tax Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $200,000</td>
<td>$120,000, plus 39.6% of the excess over $200,000.</td>
</tr>
<tr>
<td>Over $400,000</td>
<td>$225,000, plus 39.6% of the excess over $400,000.</td>
</tr>
</tbody>
</table>

(3) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS.—The table contained in section 1(j)(2)(C) of such Code is amended by striking the last two rows and inserting the following:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Tax Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $200,000</td>
<td>$45,689.50, plus 35% of the excess over $200,000.</td>
</tr>
<tr>
<td>Over $400,000</td>
<td>$91,379, plus 35% of the excess over $400,000.</td>
</tr>
</tbody>
</table>

(b) APPLICATION OF ADJUSTMENTS.—Section 1(i)(3) of the Internal Revenue Code of 1986 is amended by striking the last row and inserting the following:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Tax Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $200,000</td>
<td>$120,000, plus 39.6% of the excess over $200,000.</td>
</tr>
<tr>
<td>Over $400,000</td>
<td>$225,000, plus 39.6% of the excess over $400,000.</td>
</tr>
</tbody>
</table>

(c) MODIFICATIONS TO 39.6 PERCENT RATE BRACKET.—For purposes of this paragraph, the term '39.6 percent rate bracket threshold' means—

(i) in the case any taxpayer described in subsection (a), $450,000,

(ii) in the case any taxpayer described in subsection (b), $325,000,

(iii) in the case any taxpayer described in subsection (c), $400,000, and

(iv) in the case any taxpayer described in subsection (d), $225,000.

(d) CONFORMING AMENDMENTS.—

(1) Section 1(j)(1) of the Internal Revenue Code of 1986 is amended by striking 'December 31, 2017' and inserting 'December 31, 2022'.

(2) The heading of section 1(j) is amended by striking '2018' and inserting '2023'.

(3) The heading of section 1(i) is amended by striking 'RATE REDUCTIONS' and inserting 'MODIFICATIONS'.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 5211, as modified.

Mr. BOOKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. GRAHAM. Mr. President, yes, I would urge a 'no' vote simply because we are living in a world where it is hard to get by. Growing the government, I think, will create more inflation. Everything can't be free because we all—it gets to be so free that you can't afford it.

So you are the same people that told us if we passed the American Rescue Plan, all would be well. We are at 9.1 percent inflation. You are increasing gas taxes. Now you want to expand Medicare. This is going to hurt the American people. Stop the madness. Vote no.

The vote on amendment No. 5211, as modified.
The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 5382 TO AMENDMENT NO. 5194

Mrs. CAPITO. Mr. President, I call up my amendment No. 5382 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from West Virginia [Mrs. CAPITO] proposes an amendment numbered 5382 to amendment No. 5194.

The amendment is as follows:

(Purpose: To strike provisions concerning funding for certain activities under the Clean Air Act)

In section 60105, strike subsection (g).

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

There are 2 minutes, equally divided.

Mrs. CAPITO. Mr. President, this amendment would strike a provision that gives the EPA $45 million in a slush fund to use to undertake more expansive greenhouse gas regulations. After the EPA's recent loss before the Supreme Court, we need to address greenhouse gas emissions. The EPA undoubtedly has the tools and environmental groups will point to this language when they try to convince courts to uphold future overreaching climate regulations.

The amendment before us would help the EPA to do just that. I spoke earlier today about the urgent need for climate action. We are witnessing record heat, more extreme weather, and devastating floods on an almost daily basis. We should fund the EPA to use all the authorities at its disposal to tackle the climate crisis. The urgency of this problem demands no less.

I urge my colleagues to join me in opposing the amendment.

VOTE NO. 5382 TO AMENDMENT NO. 5194

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. FISCHER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

YEAS—50

Barrasso Graham Portman
Blackburn Grassley Risch
Brent Blunt Risch
Boozman Hawley Romney
Braun Hoeven Rounds
Burr Hyde-Smith Rubio
Capito Inhofe Scott (FL)
Cassidy Johnson Scott (SC)
Collins Kennedy Sullivan
Cromer Lankford Tunn
Crump Lee Tullis
Cramer Linens Tuberville
Crapo Marshall Wicker
Cruz McConnell Young
Daines Moran Young
Ernst Murkowski Young
Fischer Paul Young

NAYS—50

Baldwin Ricketts Reed
Bennett Risch Roesler
Blumenthal Kaine Sanders
Booker Kelly Schatz
Brown King Schatz (HI)
Cantwell Klobuchar Shaheen
Cardin Leahy Sinema
Carper Logan Smith
Casey Manchin Stabenow
Coxon Markley Tester
Cortez Masto Menendez Van Hollen
Durbin Murphy Warner
Feinstein Murray Warnock
Gillibrand Ossoff Whitehouse
Hassan Padilla Whitehouse
Heinrich Peters Wyden

The amendment (No. 5382) was rejected.

The ACTING PRESIDENT pro tempore. The junior Senator from Oklahoma.

AMENDMENT NO. 5194 TO AMENDMENT NO. 5194

Mr. LANKFORD. Madam President, I call up my amendment No. 5194 and ask that it be reported by number.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. LANKFORD] proposes an amendment numbered 5384 to amendment No. 5194.

The amendment is as follows:

(Purpose: To provide additional funding for implementation of title 42)

At the appropriate place in title IX, insert the following:

SEC. 9. FUNDING FOR TITLE 42 IMPLEMENTATION.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the Centers for Disease Control and Prevention, out of amounts in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2023, for the purpose described in paragraph (2).

(2) USE OF FUNDS.—The Director of the Centers for Disease Control and Prevention shall use the amounts appropriated under paragraph (1) for the contested implementation of the orders by the Director pursuant to section 362 of the Public Health Service Act (42 U.S.C. 300u–1(b)) and inserting "fiscal year 2023" after designating paragraphs (7) through (9) as paragraphs (8) through (10), respectively; and

(3) by inserting after paragraph (6) the following:

"(7) for fiscal year 2023, $999,000,000;"

Mr. LANKFORD. Madam President, the Biden administration continues to declare that we are in a public health emergency because of COVID–19. This public health emergency, first declared in January 2020, has been renewed 10 times.

Title 42 is the health authority specifically designed to prevent people from coming into the country during a pandemic. It is nonsensical to say that we have a COVID health emergency everywhere but on our southern border. If there is a public health emergency in this country, then title 42 authority must remain in place.

Title 42 authority is the last line of defense that our Border Patrol agents have to protect our Nation, and my Democratic colleagues said they agreed with that idea back in April. The situation has only worsened since that time so surely they will agree with me more today.

I urge the adoption of this amendment, that we would remain consistent with title 42 authority in this Nation.

The ACTING PRESIDENT pro tempore. The senior Senator from Washington.

Mrs. MURRAY. Madam President, let's be clear about what is going on here. This amendment is an attempt by Republicans to derail our ability to get this bill across the finish line and deliver for families in our country.

Title 42 is a public health tool, and how it is used should be guided by public health experts—looking at data, looking at science—not politicians.
The senior assistant legislative clerk read as follows:
The Senator from Montana [Mr. Tester] proposes amendment numbered 5480 to amendment No. 5194.

The amendment is as follows:

(Purpose: To establish a procedure for terminating a determination by Surgeon General to suspend certain entries and imports from designated places)

At the appropriate place, insert the following:

**SEC. 3. PUBLIC HEALTH AND BORDER SECURITY.**

(a) Short Title.—This section may be cited as the “Public Health and Border Security Act of 2022.”

(b) Termination of Suspension of Entries and Imports from Designated Places Related to the COVID–19 Pandemic.—

(1) IN GENERAL.—An order of suspension issued under section 362 of the Public Health Service Act (42 U.S.C. 265) as a result of the public health emergency relating to the Coronavirus Disease 2019 (COVID–19) pandemic declared under section 319 of such Act (42 U.S.C. 265d) on January 31, 2020, and any continuation of such declaration (including the continuation described in Proclamation 9994 on February 24, 2021), shall be lifted not earlier than the date on which the Surgeon General provides written notification to the appropriate authorizing and appropriating committees of Congress that such public health emergency declaration (including the continuation described in Proclamation 9994 on February 24, 2021) have been terminated.

(2) PROCEDURES DURING 60-DAY TERMINATION WINDOW.—

(A) PLAN.—Not later than 30 days after the date on which a written notification is provided under paragraph (1) with respect to an order of suspension, the Surgeon General, in consultation with the Secretary of Homeland Security, and the head of any other Federal agency, State, local or Tribal government, or nongovernmental organization that has a role in managing outcomes associated with the suspension, as determined by the Surgeon General, shall develop and submit to the appropriate committees of Congress, a plan to address any possible influx of entries or imports, as defined in such order of suspension, related to the termination of such order.

(B) FAILURE TO SUBMIT.—If a plan under subparagraph (A) is not submitted to the appropriate committees within the 30-day period described in such subparagraph, not later than 7 days after the expiration of such 30-day period, the Surgeon General shall notify the appropriate committees of Congress, in writing, of the status of preparing such a plan and the timing for submission as required under subparagraph (A).

Mr. Tester. Madam President, this amendment is actually quite simple. It is to protect the individual to be able to vote for this one time and one way another, what is different on this, because here is what I think happens next. What I think is about to happen is, someone is going to stand and they are going to call a point of order on this and to say this is not compliant with the Byrd rule. And people are going to say: I tried to get it done, but that Parliamentarian just knocked it down. So that is what I bet happens next. What I think happens next is, someone is going to make their motion, I would just say we were here earlier this week on a different bill that had nothing to do with the Budget Act.

Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive section 313 of that act for the purpose of this provision, and I would ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The Senate’s time has expired.

The Democratic whip.

**POINT OF ORDER**

Mr. Tester. Madam President, before I make my motion, I would just say we were here earlier this week on a different bill that had nothing to do with the Budget Act.

The ACTING PRESIDENT pro tempore. The yeas and nays resulted—yeas 56, nays 44, as follows: [Rollcall Vote No. 295 Leg.]
We also know that the Congressional Budget Office will score that, showing that there is no way to accomplish the objectives of this bill unless you audit the middle class.

My bill simply puts in some teeth behind what is admitted by everyone to be the intention of the legislation—say that none of the new IRS funding may be used to audit those earning below $400,000. If my amendment is not adopted, billions in taxes will be squeezed out of taxpayers earning below $400,000, according to the CBO, including middle-income workers and small businesses.

The ACTING PRESIDENT pro tempore. The senior Senator from Oregon, Mr. WYDEN, Madam President, I rise in opposition to my friend’s amendment. We all agree here that taxpayers with less than $400,000 in taxable income should not face a tax increase. And there is language already—and I would like to note this—in the enforcement section of the bill that says just that.

But the Crapo amendment goes much further than that. It applies—and I quote here—“to taxpayers with taxable income.”

And as Americans have learned recently, billionaires often have little or no taxable income for years on end. So under this amendment, the billionaires who live off their borrowings would be immune from audit, and that would invite further tax avoidance. I urge my colleagues to oppose this amendment.

VOTE ON AMENDMENT NO. 5404

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CRAPO. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a second?

The clerk will call the roll.

The senior assistant legislative clerk read as follows:

The Senator from Idaho (Mr. CRAPO) proposes an amendment numbered 5404 to amendment No. 5194

The amendment is as follows:

(Purpose: To prevent the use of additional Internal Revenue Service funds from being used for audits of taxpayers with taxable incomes below $400,000 in order to protect low- and middle-income earning American taxpayers from an onslaught of audits from an army of new Internal Revenue Service agents funded by an unprecedented, nearly $80,000,000,000, infusion of new funds)

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used to audit taxpayers with taxable incomes below $400,000.

Mr. CRAPO. Madam President, my amendment will guard against squeezing middle-class taxpayers. Supersized IRS funding will squeeze billions from the middle-class workers and small businesses through ramped-up audits.

My colleagues on the other side and the President all say that that is not intended by the bill, and, in fact, the bill itself says that is not intended. But this is not enforceable language, and everyone knows that the targeted money in the bill cannot be achieved unless the middle class—people with incomes under $400,000—are hit with a wave of new audits.

The amendment (No. 5404) was rejected.
The ACTING PRESIDENT pro tempore. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I gather that this is the first of the motions to commit this legislation back to committee.

I want my colleagues to understand what this is really all about. These motions to commit are motions to kill this bill, period. And what that means is: Let’s try to do everything we can to delay Democrats from being able to deliver for the American people lower prescription drug costs for the elderly, lower healthcare premiums, lower carbon emissions, lower energy costs, less tax cheating by the wealthy.

The Senate ought to be moving this legislation forward instead of trying to kill the bill through these motions to commit.

One last point, I gather we are going to have a bit more of this discussion.

The ACTING PRESIDENT pro tempore. The Senator’s time has expired.

Mr. WYDEN. I ask unanimous consent for 30 seconds of additional time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WYDEN. I urge opposition to the Scott proposal.

VOTE ON MOTION TO COMMIT

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to commit.

Mr. SCOTT of Florida. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 297 Leg.]

**YEAS—50**

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The motion was rejected.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Kansas.

AMENDMENT NO. 5389 TO AMENDMENT NO. 5194

Mr. MARSHALL. Mr. President, I call up my amendment No. 5389 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. MARSHALL) proposes an amendment numbered 5389 to amendment No. 5194.

The amendment is as follows:

(Purpose: To protect patient access to current and future treatments for a range of serious conditions, such as cancer, Alzheimer’s disease, HIV/AIDS, Parkinson’s disease, and sickle cell disease, among numerous others)

At the end of title I, add the following:

**Subtitle E—Ensuring Patient Access to Drugs and Biological Products That Treat Serious Conditions**

SEC. 14001. ENSURING PATIENT ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT SERIOUS CONDITIONS.

Section 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraphs:

(‘‘D) SIX PROTECTED CLASSES.—A covered part D drug in a category or class that is identified under section 386D(b)(3)(G)(IV)

(E) BREAKTHROUGH THERAPIES.—A drug or biological product designated under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356a) as a break- through therapy and approved under section 505 of such Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).’’

SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDS FOR ENFORCEMENT AND OPERATIONS.

Section 1001(a)(1)(A)(iv) of this Act is amended—

(1) in subclause (II), by striking ‘‘$45,637,400,000’’ and inserting ‘‘$10,326,400,000’’; and

(2) in subclause (III), by striking ‘‘$25,326,400,000’’ and inserting ‘‘$326,400,000’’.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, this is a reckless inflation bill that will increase drug prices. Yes, you can write that down. Just like the ACA has driven up healthcare costs, this bill will increase drug prices.

With a limited window to recoup R&D, manufacturers will have to increase their launch prices. It will also eliminate incentives for generics to come to market and gain market share by pricing lower than the branded product.

Perhaps even worse, this bill will delay, if not eliminate, new innovative drugs for life-threatening illnesses, like Alzheimer’s and cancers. This is why our amendment excludes two categories of drugs from price controls: Medicare Part D’s six protected classes and the FDA’s breakthrough therapy designation drugs.

By voting ‘‘yes,’’ you will be protecting patients with mental illness, organ transplants, Alzheimer’s, cancers, and HIV. A ‘‘no’’ vote is a vote to never see a cure for Alzheimer’s.

Rather than a healthcare system that offers Americans breakthrough medicines, this reckless tax-and-spend bill will force Americans to settle for end-of-life care, and that is just wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WYDEN. Mr. President, I oppose this amendment for two reasons. The first is, it would water down the new negotiations program, so it would be harder to negotiate over the most expensive drugs in Medicare today, including cancer drugs, which are at the top of our list. Second, it would water down the efforts at the Internal Rev- enue Service to beef up tax enforcement against wealthy tax cheats.

I would urge opposition to the Marshall amendment.

VOTE ON AMENDMENT NO. 5389

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MARSHALL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 298 Leg.]

**YEAS—50**

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The amendment was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 5389 TO AMENDMENT NO. 5194

(Purpose: To establish a Civilian Climate Corps.)
Mr. SANDERS. Mr. President, I call up amendment No. 5209, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is printed in today’s Record under “Text of Amendments.”

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the driving force behind the fight against climate change has been young people here in the United States and abroad. They have marched. They have demonstrated. They demanded institutional disinvestment in fossil fuel companies. In short, they have fought for a world in which they and their kids and grandchildren could live in a healthy and habitable planet.

This legislation invests some $30 billion in energy efficiency and sustainable energy, and that is a good thing. But it invests very little in giving our younger generation the opportunities to roll up their sleeves and get to work in moving our energy system away from the fossil fuel which is destroying our planet.

The amendment invests $30 billion in a Civilian Conservation Corps, which would create 400,000 jobs for young people. They will be paid a living wage, and be trained for good union, clean-energy jobs.

Let us stand with the young people who have led the fight against climate change. I urge a “yes” vote for the Civilian Conservation Corps.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would urge a no. This has been tried before by the Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5209 to amendment No. 5194.

The amendment is printed in today’s Record under “Text of Amendments.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 1, nays 98, as follows:

[Rollcall Vote No. 299 Leg.]

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The amendement (No. 5209) was rejected.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

MOTION TO WAIVE

Mrs. CAPITO. Mr. President, pursuant to section 904 of the Congressional Budget Act and relevant budget resolutions, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The bill clerk called the roll.

Mrs. CAPITO. Mr. President, I rise to offer a commonsense permitting reform amendment. There has been a lot of talk and promises about a supposed deal or fixing our Nation’s broken permitting system, but we have yet to see any legislative text.

My amendment delivers these reforms right now. Among these reforms are provisions that reduce delays and environmental reviews, generally to 2 years or less, while maintaining protections. Eliminating regulatory hurdles, which are now driving higher gasoline and energy costs, and implementing the one thing Democrats say they will support eventually. Let’s tackle inflation, permitting, and energy supply challenges right here tonight. Let’s finish the Mountain Valley Pipeline now.

Americans can’t wait, and no one can build back better if we can’t build anything at all. I urge my colleagues to vote yes on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise to speak in opposition to this amendment, which would make sweeping changes to bedrock environmental laws. This amendment would modify the regulatory authorities of the Environmental Protection Agency and multiple other Agencies. It would undermine protection of our water quality, weaken air quality protections, harm wildlife, and would have significant impacts on vulnerable communities.

At a time when we need to be moving toward stable clean energy sources, it would focus instead on fracking and would prohibit us from considering the impacts of greenhouse gas emissions in Federal decisions.

And thus, I urge you to vote no.

POINT OF ORDER

Mr. President, I raise a point of order that the pending amendment violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from West Virginia.

MOTION TO WAIVE

Mrs. CAPITO. Mr. President, pursuant to section 904 of the Congressional Budget Act and relevant budget resolutions, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to waive.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 300 Leg.]

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The amendment (No. 5209) was rejected.
Mr. WYDEN. Mr. President, unfortunately, this amendment is just bad news. This amendment lowers capital gains taxes, and it is more tax give-aways to the most fortunate.

And if you are a wealthy tax cheat, you can rest easy because Republican budget cuts at the IRS mean you can get away with breaking the law scot-free. I urge my colleagues to vote no.

Mr. GRASSLEY. Do I have some time left?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows: [Rollcall Vote No. 301 Leg.]

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The motion to commit is as follows: [Ms. COLLINS] moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) that none of the amounts made available under section 10301 shall be used to hire any new employee until 90 percent of Internal Revenue Service employees employed as of the date of the enactment of this Act are working in person at an Internal Revenue Service office or job site.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the underlying bill provides billions of dollars to the IRS to hire 87,000 additional auditors, yet more than 50 percent of the current IRS employees have yet to return to their offices or work sites.

Here are the consequences: Four out of five telephone calls from taxpayers go unanswered; 21 million returns have not been processed; refunds are taking 6 months or more.

My motion would simply prohibit the IRS from using these billions of dollars to add 87,000 new employees prior to bringing 90 percent of their workforce back to the office.

I would note that that 87,000 number is more than the combined employees at the Pentagon, the State Department, the FBI, and the Border Patrol agents combined.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. PETERS. Mr. President, this motion is meant to delay or kill this bill. If adopted, it would harm the IRS’s ability to carry out its duties by preventing the Agency from hiring new workers.

Federal employees are returning to in-person work, but Agency need flexibility that telework and remote work provide to compete with the private sector, retain qualified workers, and serve the American people effectively.

Telework can also ensure Federal employees can continue to serve the people and stay safe if COVID variants or other public health threats disrupt in-person work.

Remote and telework options allow the IRS to hire the workforce they need across the entire country so they can crack down on tax cheats and make sure big corporations are paying their fair share.

I urge my colleagues to oppose this motion so we can pass this bill today.

Mr. President, I ask unanimous consent that following disposition of the Collins motion to commit, the following amendments be the next Republican amendments in order: Kennedy amendment No. 5387, and Rubio motion to null.
CONGRESSIONAL RECORD — SENATE
August 6, 2022

The Senator from Maine.

VOTE ON MOTION

Ms. COLLINS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—50

Barrasso  Burr  Cotton
Blackburn  Grassley  Risch
Brown  Hager  Romney
Boozman  Hawley  Rounds
Bray  Hoeven  Rubio
Burkett  Hyde-Smith  Sasse
Capito  Cassidy  Johnson (FL)
Collins  Kennedy  Shelby
Cormyn  Lankford  Sullivan
Cotton  Lankford  Sullivan
Cramer  Lummis  Thune
Cruz  McConnell  Toomey
Daines  Moran  Tuberville
Ernst  Markowski  Young
Fischer  Paul  Young

NAYS—50

Baldwin  Hickenlooper  Reed
Bennet  Hirono  Rosen
Blumenthal  Kaine  Sanders
Boozman  Kelly  Schatz
Brown  King  Schumer
Cantwell  Klobuchar  Shaheen
Cardin  Leahy  Sinema
Carper  Lojza  Smith
Casey  Manchin  Stabenow
Coons  Markey  Sterger
Cortez Masto  Menendez  Tester
Duckworth  Merkley  Van Hollen
Durbin  Murphy  Warner
Feinstein  Murray  Warner
Gillibrand  Ossoff  Warner
Hassan  Padilla  Whitehouse
Heinrich  Peters  Wyden

The motion was rejected.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Louisiana.

AMENDMENT NO. 5387 TO AMENDMENT NO. 5394

Mr. KENNEDY. Mr. President, I call up my amendment No. 5387 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. KENNEDY] proposes an amendment numbered 5387 to amendment No. 5394.

The amendment is as follows:

(Purpose: To require oil and gas lease sales in the outer Continental Shelf)

At the appropriate place in subtitle B of title V, insert the following:

SEC. 506. MANDATORY OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALES. (a) Gulf of Mexico Oil and Gas Lease Sales—(1) Requirement.—Subject to paragraph (2), the Secretary of the Interior (acting through the Director of the Bureau of Ocean Energy Management) (referred to in this section as the ‘‘Secretary’’) shall conduct not fewer than 10 area-wide oil and gas lease sales under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the period beginning on July 1, 2022, and ending on June 30, 2027.

(2) Schedule.—Not fewer than 2 area-wide oil and gas lease sales required under paragraph (1) shall be held each year during the period described in that paragraph in the following profit interest areas of the Gulf of Mexico Region of the outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(A) The Central Gulf of Mexico Planning Area;

(B) The Western Gulf of Mexico Planning Area.

The amendment (No. 5387) was rejected.

The PRESIDING OFFICER. The Senator from Florida.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Florida [Mr. RUBIO] moves to commit the bill to the Committee on the Judiciary with instructions.

Mr. RUBIO. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

The motion is as follows:

Mr. RUBIO moves to commit the bill H.R. 5376 to the Committee on the Judiciary of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would increase funding to ensure that—

(A) prosecutors are addressing violent crime by ensuring the appropriate pretrial detention of dangerous criminals; and

(B) law enforcement is addressing crime.

Mr. RUBIO. Mr. President, I don’t think I need to tell anybody here that our work is at its best when it is focused on what people care about. Let me tell you what people care about. They don’t care as much about buying solar panels and electric cars as they do about not having to live in a community where violent crime is rampant and you have some crazy prosecutor who refuses to put people in jail, who refuses to prosecute entire categories of crime.

People are worried about that, and rightfully so. And it is happening. We have these beautiful cities that were once world-class cities that have become unlivable all over this country because we have these lunatic prosecutors that have decided that there are entire categories of crime they will not prosecute.

The amendment (No. 5387) was rejected.

The PRESIDING OFFICER. The Senator from Maine.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Florida [Mr. RUBIO] moves to commit the bill to the Committee on the Judiciary with instructions.

Mr. RUBIO. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

The motion is as follows:

Mr. RUBIO moves to commit the bill to the Committee on the Judiciary of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would increase funding to ensure that—

(A) prosecutors are addressing violent crime by ensuring the appropriate pretrial detention of dangerous criminals; and

(B) law enforcement is addressing crime.

Mr. RUBIO. Mr. President, I don’t think I need to tell anybody here that our work is at its best when it is focused on what people care about. Let me tell you what people care about. They don’t care as much about buying solar panels and electric cars as they do about not having to live in a community where violent crime is rampant and you have some crazy prosecutor who refuses to put people in jail, who refuses to prosecute entire categories of crime.

People are worried about that, and rightfully so. And it is happening. We have these beautiful cities that were once world-class cities that have become unlivable all over this country because we have these lunatic prosecutors that have decided that there are entire categories of crime they will not prosecute.
The motion was rejected.

THE PRESIDING OFFICER (Mr. DURBIN). Mr. President, I ask unanimous consent that the following amendments be the next Republican amendments in order: 5316, Lee; 5418, Shelby; Motion to Commit, Tim Scott; 5263, Cruz; 5425, Daines; 5391, Ernst; 5360, Fischer; 5265, Cruz; 5385, Kennedy; motion to waive budget with respect to insulin; 5472, Thune; 5406 Hagerty; 5224, Portman; motion to commit, Hoeven; Motion to Commit, John Cornyn; Motion to Commit, Cruz motion to commit on targeting insulin; further, that the Sanders amendment No. 5308 occur following the Scott motion to commit; and Sanders No. 5361 following the Daines amendment No. 5425.

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

The Senator from Utah.

Amendment No. 5316 to Amendment No. 5396

Mr. LEE. Mr. President, I call up my amendment No. 5316 and ask that it be reported by number: The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. Lee] proposes an amendment numbered 5316.

The amendment is as follows:

(Purpose: To reduce funding for home energy performance-based, whole-house rebates and to provide funding for supplemental payments under the payments in lieu of taxes program)

At the appropriate place in subtitlte B of title VII, insert the following:

SEC. 502. SUPPLEMENTAL PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2023, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.

SEC. 502. REDUCTION OF APPROPRIATION FOR HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

Notwithstanding section 5021(a)(1), the amount appropriated under that section shall be $3,000,000,000.

Mr. LEE. Mr. President, across the Nation, local governments are struggling to support their constituents. These frontline public servants provide for the safety and well-being of their friends and neighbors, typically using funds derived from local property taxes.

However, in many counties, these Federal neighbors of sorts don’t pay property taxes, but they draw heavily on the resources made available by these local governments. Rescuing hikers, paving roads, addressing forest fires—these are just a few of the vital services that these communities honorably provide even though they receive little to no compensation for them.

My amendment would institute a supplemental PILT Program—payment in lieu of taxes—an additional PILT payment increasing funds by nearly 30 percent. It would not make these communities completely whole by providing true tax equivalency, but it would make a huge difference. If Americans want to continue to safely enjoy our national parks, monuments, forests, and general landscape, we must ensure this program, PILT, continues to serve as a reliable source of income as property taxes would be Federal lands subject to property tax.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I urge my colleagues to oppose the amendment from the Senator of Utah. This would take out one of the provisions in the bill which will directly help homeowners save money on their heating bills and on their cooling bills. It does so by giving them a rebate for home energy efficiency improvements, and then they will save for the rest of their lives in their home.

I also find it a little ironic this would put money in local governments, which our Republican colleagues said have received too much money under the American Rescue Plan, and you have been trying to claw that back.

I would urge my colleagues to stick with the provision in the bill. It is an important part of the bill that both provides consumers with savings and to address the climate crisis.

I urge my colleagues to reject the amendment.

VOTE ON AMENDMENT NO. 5396

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEE. I call for the yeas and nays.

The PRESIDING OFFICER. The vote is on the amendment.

The summary vote was announced—yeas 50, nays 51, as follows: (Rollcall Vote No. 305 Leg.)

YEAS—50

Baldwin
Benenate
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

NAYS—51

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cotulla
Crapo
Cruz
Daines
Ernst
Fischer

Reed
Rosen
Sanders
Schatz
Shumer
Shaheen
Sasse
Smith
Stabenow
Test
Van Hollen
Warner
Warreck
Warren
Whitehouse
Wyden

VOTING FOR

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cotulla
Crapo
Cruz
Daines
Ernst
Fischer

VOTING AGAINST

Reed
Rosen
Sanders
Schatz
Shumer
Shaheen
Sasse
Smith
Stabenow
Test
Van Hollen
Warner
Warreck
Warren
Whitehouse
Wyden

YEAS—49

Barrasso
Blackburn
Burr
Boozman
Cassidy
Cornyn
Cotton
Mr. SHELBY. Mr. President, I agree; and, pending, I urge my colleagues to support our coal miners and vote ‘yes’ on this amendment.

Mr. SHELBY. Mr. President, currently, the administration has paused the leasing program for Federal coal leases at the Bureau of Land Management and so forth. Currently, the amendment has passed the Legislativebranch.gov. The amendment (No. 5618) was rejected. The PRESIDING OFFICER. The Senator from South Dakota. Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the reading be dispensed with.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the reading be dispensed with.

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Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the reading be dispensed with.
The motion was rejected. The PRESIDING OFFICER (Ms. Cortez Masto). The Senator from Vermont.

AMENDMENT NO. 5286, AS MODIFIED, TO AMENDMENT NO. 5394

Mr. SANDERS, Madam President, I call up by striking No. 5286, as modified, and I ask that it be reported by number. The PRESIDING OFFICER. The clerk will report. The Senator from Vermont [Mr. SANDERS], for himself and Mr. MERKLEY, proposes an amendment numbered 5286, as modified, to amendment No. 5194.

The amendment is as follows:

(Purpose: To extend the special rules for the child tax credit that applied for 2021 and to increase the corporate tax rate)

At the end of title I, insert the following:

Subtitle E—Other Provisions

SEC. 14001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to make a section or other provision of the Internal Revenue Code of 1986.

PART 1—CHILD TAX CREDIT

SEC. 14101. EXTENSIONS AND MODIFICATIONS.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—

(A) by striking “January 1, 2026”, and inserting “February 1, 2026”, and

(B) by inserting “AND 2022” after “2021” in the heading thereof.

(2) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by amending subparagraph (A)(ii) to read as follows:

(ii) any other information provided, or known to the Secretary which allows the reference taxable year to be treated as the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer.

(3) MONTHLY PAYMENTS.—

(A) in general.—Section 7527A(b) is amended to read as follows:

(b) in paragraph (A), by striking “(A)(ii)”, and inserting “(ii)”, and

(C) in paragraph (1), by striking “or”, and inserting “and”.

(b) ANNUAL ADVANCE AMOUNT.—Section 7527A(b)(2) is amended by striking “subpart C” and inserting “subsection (b)(3)”.

(D) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b)(3) is amended by adding at the end the following new paragraph:

(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(A) in general.—If the modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount with respect to such taxpayer (as defined in section 24(i)(4)(B)), the annual advance amount with respect to such taxpayer shall be zero.

(B) EXCEPTION FOR MODIFICATIONS MADE DURING THE CALENDAR YEAR.—

The amendment is as follows:

Clifford of South Carolina. Mr. President, how much time do I have left?

THE PRESIDING OFFICER. The PRESIDING OFFICER. Two seconds.

Mr. SCOTT of South Carolina. Two seconds or 22 seconds?

THE PRESIDING OFFICER. Two seconds.

Mr. SCOTT of South Carolina. Mr. President, what we know already is that 9.1 percent of inflation is already ravaging middle-income Americans.

I urge my colleagues to support my motion.

The PRESIDING OFFICER. The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, once again, this sends the bill back to committee and kills Democratic efforts to reduce the cost of prescription medicine, reduce health insurance premiums, reduce carbon emissions, and crack down on wealthy tax cheats. And if you are a wealthy tax cheat, you can rest easy because Republican budget cuts at the IRS mean that you can get away with breaking the law scot-free.

I urge my colleagues to vote no.

Mr. SCOTT of South Carolina. Mr. President, how much time do I have left?
(B) by adding at the end the following new subparagraph:

"(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR CERTAIN YEARS.—For the period beginning on October 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i)."

(c) meanings to APPLY income PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(f)(1) is amended by adding at the end the following new subparagraph:

"(5) ELECTION TO APPLY income PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—In the case of a taxpayer who elects to take benefits under this subsection (as the Secretary may provide) the application of this paragraph for any taxable year, paragraph (4) and subsection (b)(1) shall both be applied with respect to the modified adjusted gross income (as defined in subsection (b)) for the taxpayer's preceding taxable year.".

(d) SAFE Harbor exception for fraud and intentional disbarment of rules and regulations.—

(1) IN GENERAL.—Section 24(h)(2)(B) is amended by striking "qualified" each place it appears in clause (iv)(II) and inserting "qualifying".

(b) by adding at the end the following new clause:

"(v) Exception for fraud and intentional disbarment of rules and regulations.—

(I) IN GENERAL.—For purposes of determining the base amount under clause (iv) with respect to any taxpayer, an individual shall not be treated as taken into account in determining the annual advance amount of such taxpayer if such individual was so taken into account due to fraud by the taxpayer or intentional disregard of rules and regulations of the taxpayer.

(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of subclause (i), a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such individual is treated as part of the calendar year as of the close of the calendar year in which the taxable year of such taxpayer begins, and who are taken into account in determining the credit allowed under this section for such taxable year.

(2) ADDITIONAL MODIFICATION.—Section 24(h)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

"(iv) SAFE Harbor amount.—For purposes of this subparagraph, the term ‘safe harbor amount’ means, with respect to any taxpayer for any taxable year, the sum of—

(1) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained the age of 18 on the last day of such taxable year in which the taxable year of the taxpayer begins, and who are taken into account in determining the annual advance amount of such taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

(2) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children who do not have a principal place of abode in the United States, and whose calendar year begins in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year.;"

(e) RULES relating to reconciliation of CREDIT AND advance CREDIT.—Section 24(c) is amended by adding at the end the following new paragraphs:

"(3) JOINT RETURNS.—Except as otherwise provided in the case of a joint return, half of such payment shall be treated as having been made to each spouse for such joint return.

(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this section, payments made under section 7527A include payments in any jurisdiction other than the United States under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa pursuant to a plan described in subsection (k)(3)(B).

In carrying out this section, the Secretary shall coordinate with each possession of the United States to prevent any application of this paragraph that is inconsistent with the purposes of this subsection.

(1) DISCLOSURE OF information relating to joint Filers and advance payment of Child Tax CREDIT.—Section 6103(e) is amended by adding at the end the following new paragraph:

"(2) Disclosure of information relating to joint Filers and advance payment of child tax credit.—In the case of a joint return, the Secretary may disclose to such individual any return information of such other individual which is relevant in determining under section 7527A and the individual’s eligibility for such payment, including information regarding any of the following:

(A) The number of specified children, including by reason of the birth of a child.

(B) The name and TIN of specified children.

(c) Marital status.

(D) Modified adjusted gross income.

(E) Principal place of abode.

(F) Any other information the Secretary may provide pursuant to section 7527A(a).

(g) REPEAL OF SOCIAL SECURITY NUMBER REQUIREMENT.—

(1) IN GENERAL.—Section 24(h)(4) is amended by striking paragraph (7).

(2) CONFORMING AMENDMENTS.—

(A) Section 24(h)(1) is amended by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)".

(B) Section 24(h)(4) is amended by striking subparagraph (C).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) PAYMENTS.—

(A) The amendments made by paragraphs (1), (2), (4), and (5) of subsection (b) shall apply to payments after September 30, 2022.

(B) The amendments made by paragraph (3) of subsection (b) shall apply to payments after December 31, 2022.

(3) DISCLOSURE OF information relating to joint Filers and advance payment of Child tax CREDIT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 14102. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

"(1) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 7576A(b)) for such taxable year—

(1) subsection (d) shall not apply, and

(2) so much of the credit determined under subsection (b) as is not allowed under this paragraph (1) as does not exceed the amount of such credit which would be so determined without regard to subsection (h)(4) shall be allowed under subsection (c) (and not allowed under this subpart).

(b) CONFORMING AMENDMENTS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(1) Puerto Rico.—Section 24(k)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

"(B) amending by the preceding provisions of this Act, is amended to read as follows:

(2) Application to taxable years after 2022.—For application of refundable credit to residents of Puerto Rico for taxable years after 2022, see subsection (l).

(3) American Samoa.—Section 24(k)(3)(C)(ii), as amended by the preceding provisions of this Act, is amended to read as follows:

"(ii) if such taxable year begins after December 31, 2022, subsection (l) shall be applied by substituting ‘Puerto Rico or American Samoa’ for ‘Puerto Rico’."

(4) The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 14103. APPROPRIATIONS.

Immediately upon the enactment of this Act, in addition to amounts otherwise available, there are appropriated out of any money in the Treasury not otherwise appropriated:

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service to administer the Child Tax Credit, and advance payments of the Child Tax Credit, including the costs of disbursing such payments, which shall supplement and not supplant any other appropriations that may be available for this purpose, and

(2) $1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts to increase enrollment of eligible families in the Child Tax Credit, for advance payments of the Child Tax Credit, and for other tax credits, including by providing to program outreach, costs of data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, That such amount shall not be available in addition to any amounts otherwise available: Provided further, that these funds may be awarded by federal agencies to state and local governments, the District of Columbia, tribal governments, and possessions of the United States, and private entities, including organizations dedicated to free tax return preparation for low income families and fund-ed under section 7528 of the Internal Revenue Code of 1986.

PART 2—CORPORATE TAX RATE

SEC. 14201. INCREASE IN CORPORATE TAX RATE.

(a) IN GENERAL.—Section 11(b)(1) is amended to read as follows:

"(b) AMOUNT OF TAX.—
"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—
(A) 18 percent of so much of the taxable income as does not exceed $400,000, and
(B) 21 percent of so much of the taxable income as exceeds $400,000, but does not exceed $5,000,000, and
(C) 26 percent of so much of the taxable income as exceeds $5,000,000.

In the case of a corporation which has taxable income in excess of $10,000,000 for any taxable year, the amount of tax determined under paragraph (1) for such taxable year shall be increased by the lesser of (i) 3 percent of such excess, or (ii) $362,000.

"(2) CERTAIN PERSONAL SERVICE CORPORATION.—Section 11(b)(1) is amended—

Notwithstanding paragraph (1), the amount of the tax imposed by subsection (a) on the taxable income of a qualified personal service corporation (as defined in section 448(d)(2)) shall be equal to 28 percent of the taxable income.

(b) PROPORTIONAL ADJUSTMENT OF DEDUCTION FOR DIVIDENDS RECEIVED.—

(1) IN GENERAL.—Section 242(a)(1) is amended by striking "50 percent" and inserting "60 percent.

(2) DIVIDENDS FROM 2-PERCENT OWNED CORPORATIONS.—Section 242(c)(1) is amended—

(A) prior to amendment by subparagraph (B), by striking "50 percent" and inserting "75 percent", and

(B) by striking "50 percent" and inserting "90 percent.

(c) CONFORMING AMENDMENT.—Section 1561 is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—The component members of a controlled group of corporations on a December 31 shall, for their taxable years which end on December 31, be limited for purposes of this subtitle to—

"(1) amounts in each taxable income bracket in the subparagraphs of section 11(b)(1) which do not aggregate more than the maximum amount in each such bracket to which a corporation which is not a component member of a controlled group is entitled, and

"(2) one $250,000 ($150,000 if any component member is a corporation described in section 555(c)(2)(B)) amount for purposes of computing the accumulated earnings credit under section 555(c)(2) and (3).

The amounts specified in paragraph (1) shall be divided equally among the component members of such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan for a single year.

The amounts specified in paragraph (2) shall be divided equally among the component members of such December 31 unless the Secretary prescribes regulations permitting an unequal allocation of such amounts.

The amounts specified in paragraph (2) shall be divided equally among the component members of a controlled group of corporations on such December 31 unless all of such component members consent (at such time and in such manner as the Secretary shall by regulations prescribe) to an apportionment plan for a single year.

(3) DETERMINATION OF TAX.—The amounts specified in paragraphs (1) and (2) shall be included in the gross income of a corporation for which the credits are allowed and shall be subject to the same limitations and restrictions as though each component member were a separate person.

(4) ELECTION.—The provisions of paragraphs (1) and (2) shall apply to taxable years beginning after December 31, 2022.

(5) REGULATIONS.—The Secretary of the Treasury shall by regulations prescribe such regulations as are necessary to carry out the provisions of this section.
could lose the underlying bill. Therefore, we should vote against the amendment.

Mr. SANDERS. Madam President, The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. If I could ask my friend from Ohio, why would passage of this amendment or getting 48 votes on this amendment bring the overall bill down?

Mr. BROWN. Madam President, Senator SANDERS, the arrangement on this is that all 50 Democrats are for this. We know every single Republican has voted against the child tax credit—not once last March but twice. We know that this is a fragile arrangement, and we have to pass it. As much as I like—

The PRESIDING OFFICER. The Senator from Ohio, all time has expired.

VOTE ON AMENDMENT NO. 5268, AS MODIFIED

The question is on the amendment.

Mr. KING. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The result was announced—yeas 50, nays 97, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—50

Baldwin  Blumenthal  Brown  Booker  Boxer  Blunt  Burr  Cantwell  Cardin  Carpenter  Casey  Cassidy  Collins  Cornyn  Coons  Cory Booker  Crapo  Cruz  Delgado  Ernst  Fischer  Young

NAYS—97

Sanders  Menendez  Duckworth  Duckworth  Ernst  Fischer  Young

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—50

Barraso  Blackburn  Boozman  Braun  Burr  Capito  Cassidy  Collins  Cornyn  Cotton  Corker  Cramer  Crapo  Cruz  Daines  Ernst  Fischer  Paul

NAYS—50

Baldwin  Bennet  Blumenthal  Booker  Brown  Cantwell  Carper  Casey  Cortez Masto  Duckworth  Durbin  Feinstein  Gillibrand  Graham  Ossoff  Padilla  Heinrich  Peters

The amendment (No. 5263) was rejected.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 5362

(Purpose: To make health care coverage available to low-income adults in States that have not expanded Medicaid.)

Mr. WARNOCK. Madam President, I call up amendment No. 5362, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant executive clerk read as follows:

The Senator from Georgia [Mr. WARNOCK], for himself and others, proposes an amendment numbered 5362 to amendment No. 5194.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

Mr. WARNOCK. Madam President, I rise on behalf of nearly 4½ million Americans in 12 States, including 646,000 Georgians who, a decade after the Affordable Care Act became law, still do not have access to affordable healthcare. They are the working poor. They are being blocked by Governors and legislatures.

But, sadly, today they are being betrayed by this body. The bill we are about to pass will rightly strengthen healthcare access for millions of Americans, but how do we justify doing that while leaving the hard-working families in Georgia who gave us this power in the first place and the other 11 non-expansion States in the cold? My amendment would simply extend the same subsidies to them.

If in this bill we can extend tax relief to hedge fund managers, then, surely, we can extend tax credits as a lifeline to the working poor.
This is a moral moment. The scripture says: Woe to those who crush the poor. I am asking my Democratic colleagues to do the right thing and close this gap.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, the Senator from Georgia is absolutely right in his description of this moral abomination where the citizens he represents have no healthcare decedents. And he is right that it stems from the decisions of Republican Governors. He is talking about individuals with too much to qualify for Medicaid and not enough to get ACA subsidies.

Tragically—and I have talked with my colleagues about this—to preserve the rest of this bill’s health, climate, and tax policy, it is just not possible—as much as I want it—to get this fixed today.

I will just close by saying to my colleagues that I will work with him every day, every week, and day out, until his citizens get the healthcare decedents he so correctly calls for this morning.

Reluctantly, I oppose the amendment.

Mr. GRAHAM. I don’t want to get in the middle off you all’s fight over here, but am I supposed to read this or not?

The PRESIDING OFFICER. The Senator from South Carolina.

POINT OF ORDER

Mr. GRAHAM. The pending amendment No. 5262 offered by Senator Warner contains matters outside the jurisdiction of the Finance Committee. Therefore, the amendment is extraneous, and I raise a point of order against this amendment pursuant to Section 313(b)(1)(C) of the Congressional Budget Act of 1974.

MOTION TO WAIVE

Mr. WARNock. Madam President, the amendment No. 5262 offered by Senator Warner contains matters outside the jurisdiction of the Finance Committee. Therefore, the amendment is extraneous, and I raise a point of order against this amendment pursuant to Section 313(b)(1)(C) of the Congressional Budget Act of 1974 and waiver provisions of applicable budget resolutions. I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and the nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alabama (Mr. SHELBY).

The result was announced—yeas 5, nays 94, as follows:

[Rollcall Vote No. 310 Leg.]

\[Table showing the rollcall vote results with names of senators listed in columns and votes (yeas and nays) in rows.\]

The PRESIDING OFFICER. The PRESIDING OFFICER (Ms. HASAN). On this vote, the yeas are 5, the nays are 94.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

The majority whip.

ORDER OF BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the following amendments and motions be the next amendments and motions in order: Warner, Cruz, 5261, Sanders, 5265, Cornyn, 5265, Kennedy; motion to waive the budget with respect to insulin; Cruz motion to commit on vaccines; Cruz motion to commit targeting parents; and that all provisions under the previous order remain in effect.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered. The Senator from Texas.

AMENDMENT NO. 5265

Mr. CRUZ. Madam President, I call up my amendment No. 5265 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant executive clerk read as follows:

The Senator from Texas (Mr. CRUZ) proposes an amendment numbered 5265 to amendment No. 5194.

The amendment is as follows:

(Purpose: To provide for certain conditions on the export to China of crude oil from the Strategic Petroleum Reserve)

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026. CONDITION ON AUCTION OF CRUDE OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) BIDDER.—The term "bidder" means an individual or entity bidding or intending to bid at an auction of crude oil from the Strategic Petroleum Reserve.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(3) STRATEGIC PETROLEUM RESERVE.—The term "Strategic Petroleum Reserve" means the Strategic Petroleum Reserve established under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.).

(b) BIDDING REQUIREMENTS ON EXPORT OF SPECIFIED CRUDE OIL TO CHINA.

(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), and subject to paragraph (2), with respect to the auction of any crude oil from the Strategic Petroleum Reserve after the date of enactment of this Act, the Secretary shall require, and condition on any such sale, that in the case of a bid submitted by a bidder that intends to export the crude oil to the People’s Republic of China, the bid will not be considered by the Secretary to be a valid bid unless the bidder has submitted a bid 10 times higher than the next highest bid received.

(2) WAIVER.—(A) IN GENERAL.—On application by a bidder, the Secretary may waive, prior to the date of the applicable auction, the condition described in paragraph (1) with respect to the sale of crude oil to that bidder at that auction.

(B) REQUIREMENT.—The Secretary may issue a waiver under paragraph (A) only if the Secretary determines that the waiver is in the interest of the national security of the United States.

(C) APPLICATION.—A bidder desiring a waiver under subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

Mr. CRUZ. Madam President, this bill represents the most significant assault on U.S. energy production the Senate has ever considered.

It is designed to bankrupt every coal miner in America, to dramatically increase gas prices consumers are paying, and permanently harm U.S. oil and gas production.

There is, however, one group Senate Democrats do not oppose having more oil, and that is the Chinese communists.

In the past year, President Biden has sold over 2 million barrels of oil to the Chinese communist Government from America’s Strategic Petroleum Reserve. That oil was paid for by U.S. taxpayers.

My bill would block the President from selling our oil to the Chinese communists.

I would note also that it was sold to a Chinese company owned by the communist government in which a significant stake was owned by a private equity firm owned in significant part by the President’s own son, Hunter Biden.

If the Democrats don’t want to see millions of barrels of U.S. oil sold to the Chinese communists, they should support my amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

POINT OF ORDER

Mr. SCHATZ. Madam President, I raise a point of order that the pending amendment violates section 4106 of the concurrent resolution on the budget for fiscal year 2018, H. Con. Res. 71, of the 115th Congress, the Senate pay-as-you-go point of order.

VOTE ON MOTION TO WAIVE

Mr. CRUZ. Madam President, pursuant to section 904 of the Congressional
Budget Act and relevant budget resolutions, I move to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rolecall Vote No. 312 Leg.]

YEAS—54

Barrasso..."
Mr. KENNEDY. Thank you.

The PRESIDING OFFICER. You do not.

Mr. KENNEDY. Thank you.

VOTE ON AMENDMENT NO. 5385

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—50

Barrasso
Blackshear
Blunt
Boozman
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

NAYS—50

Baldwin
Benet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Coons
Cortez Masto
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Casey
Manchin
Menendez
McKissick
Murray
Ossoff
Padilla
Peters
Pursley
Reed
Risch
Round
Romney
Rubio
Sasse
Scott (FL)
Scott (NC)
Shaheen
Skakel
Smith
Sanders
Sasse
Sasse
Sasse
Smith
Stabenow
Tester
Van Hollen
Warner
Warren
Warren
Warren
Whitehouse
Wyden

MOTION TO WAIVE

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—57

Baldwin
Benet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Casey
Manchin
Menendez
McKissick
Murray
Ossoff
Padilla
Peters
Rainey
Rosen
Casey
Cassidy
Collins
Coons
Cortez Masto
Duckworth
Durbin
Duckworth
Feinstein
Gillibrand
Heinrich

Peters
Leahy
Lewis
Lincoln
Marchant
Menendez
Mercer
 мы не можем извлечь информацию из изображения документа.
The PRESIDING OFFICER (Mr. Kaine). On this vote, the yeas are 57, the nays are 43.

Three-fifths of the Senate duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the language will be stricken from the amendment.

The Senator from Texas.

Mr. CRUZ. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Texas [Mr. Cruz] moves to commit the bill H.R. 5376 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) in order to guarantee that no student is prohibited from attending school, or accrues more pandemic induced learning loss, ensure no funding be made available to enforce a COVID-19 vaccine mandate on any student eligible to attend a District of Columbia public or charter school for the 2022-2023 school year.

The motion to commit is as follows:

Mr. Cruz moves to commit the bill H.R. 5376 to the Committee on Homeland Security and Governmental Affairs of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) in order to guarantee that no student is prohibited from attending school, or accrues more pandemic induced learning loss, ensure no funding be made available to enforce a COVID-19 vaccine mandate on any student eligible to attend a District of Columbia public or charter school for the 2022-2023 school year.

Mr. CRUZ. Mr. President, with the support of every Senate Democrat in this Chamber, schools across this country shut down over the past 2 years. Tens of millions of children were harmed.

Today, Senate Democrats will have a choice whether or not they will harm thousands of schoolkids in Washington, DC, and, in particular, whether they will harm African American children in Washington, DC.

In DC, the rate of vaccination for students 12 to 15 is 85 percent. For African-American students, the rate drops to 60 percent. The DC public schools have announced that any student who is not vaccinated is not allowed to come to school.

If Democrats vote no on this motion to commit, they will be voting to tell thousands of African-American students in DC: You are not allowed to come to school. Your education doesn’t matter.

The right choice, to use a mantra used by Democrats often, is “your body, your choice,” and we should not be denying children education because DC Democrats want to force them to get a COVID vaccine against their wishes or their parents wish.

The PRESIDING OFFICER. All time has expired.

The Senator from Michigan.

Mr. Peters. Mr. President, this motion is just another effort to delay or kill this important bill and would effectively remove the requirement for students to be vaccinated against COVID-19 in DC public schools.

Vaccines have proven to be effective at preventing the spread of this harmful disease, and DC public schools now require FDA-approved COVID-19 vaccines for eligible students, just like they do for measles and hepatitis A and hepatitis B.

The requirement for DC public school students to be vaccinated against this virus was enacted by the District of Columbia’s Council, a body that was duly elected by 700,000 Americans living in our Nation’s Capital. This motion would unnecessarily meddle with local, Washington, DC, government and delay or kill this vital bill we are here to pass today.

I urge my colleagues to oppose this measure.

VOTE ON MOTION TO COMMIT

The PRESIDING OFFICER. The question is on the motion.

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51—fulfilling a motion to send a letter to the White House and to the Attorney General asking that the Biden administration target parents as domestic terrorists and use the PATRIOT Act to go after them for going to school boards and complaining about policies that are unfair to parents, including the teaching of critical race theory, including in the case of Loudoun County, a 14-year-old girl who was sexually assaulted in a bathroom, and the school covered it up.

Within 4 days receiving that letter, the Attorney General wrote a memo directing the FBI to target parents.
Mr. HOEVEN. Mr. President, I have a motion at the desk. The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk says: The Senator from North Dakota [Mr. HOEVEN] moves to commit the bill H.R. 5376 to the Committee on Finance with instructions to report.

Mr. HOEVEN. I ask unanimous consent that the reading of the names be waived.

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

The motion to commit is as follows: Mr. HOEVEN moves to commit the bill H.R. 5376 to the Committee on Finance of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would prohibit the implementation of the provisions of the bill H.R. 5376 until the date on which—

(A) grocery prices (as reported by the Bureau of Labor Statistics as annual CPI-U for “food at home”) decrease below the food at home annual inflation level (as reported by the Bureau of Labor Statistics for January 2021);

(B) gasoline prices (as reported by the Bureau of Labor Statistics as annual CPI-U for “gasoline (all types)”) decrease below the gasoline (all types) annual inflation level (as reported by the Bureau of Labor Statistics for January 2021); and

(C) diesel prices (as reported by the Bureau of Labor Statistics as annual CPI-U for “other motor fuels”) decrease below the other motor fuels annual inflation level (as reported by the Bureau of Labor Statistics for January 2021);

(D) home heating oil prices (as reported by the Bureau of Labor Statistics as annual CPI-U for “fuel oil”) decrease below the fuel oil annual inflation level (as reported by the Bureau of Labor Statistics for January 2021); and

(E) housing expenses (as reported by the Bureau of Labor Statistics as annual CPI-U for “shelter”) decrease below the shelter annual inflation level (as reported by the Bureau of Labor Statistics for January 2021).

The PRESIDING OFFICER. Mr. President, the American people are hurting. Inflation has soared to the highest we have seen in 40 years, and the Consumer Price Index is now 9.1 percent. Americans are seeing increased prices on everything from the grocery store to the gas pump. Gas prices have gone up $2.25 a gallon just since the President took office. Diesel prices since this administration took office are up $2.51—that means a 78 percent move since President Biden took office. The cost of food is up more than 12 percent.

We not only have inflation, we have our economy stagnating as well—stagnation. It is something we haven’t had since the late 1970s, early 1980s. We have the resources and the capabilities to reduce that inflation to address the stagnation. This tax-and-spend bill is not the way to do it.

I ask that we return to this committee and come up with a plan that will actually get our economy going and reduce inflation. I ask for support on this motion.

The motion was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.
The Senate Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, who rules the raging of the sea, our weekend work gently reminds us that freedom’s price must be paid. As we senators provide the currency of perseverance to protect and defend this land we love, strengthen them for the challenges and empower them for the vicissitudes. Remind them, as they strive to pay liberty’s recurring bill, that You will never leave or forsake them.

Rouse Yourself, O Lord, and help them.

We pray in Your merciful Name. Amen.

The PRESIDING OFFICER. The Senator from Tennessee.

MOTION TO COMMIT

Mrs. BLACKBURN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Tennessee [Mrs. BLACKBURN] moves to commit the bill H.R. 5376 to the Committee on Agriculture, Nutrition, and Forestry with instructions to report.

Mrs. BLACKBURN. Mr. President, I ask that we waive the reading.

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

The motion is as follows:

Mrs. BLACKBURN moves to commit the bill H.R. 5376 to the Committee on Agriculture, Nutrition, and Forestry of the Senate with instructions to report the same back to the Senate in 3 days, not counting any day in which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. would ensure that no funding made available by the bill for the environmental quality incentives program, the conservation stewardship program, the agricultural conservation enrollment program, or the regional conservation partnership program may be provided to—

(a) an agricultural producer located in the United States who is a nonresident alien, foreign business, agent, trustee, or fiduciary associated with the Government of the People’s Republic of China; or
(b) an entity partially or wholly owned by such an agricultural producer.

Mrs. BLACKBURN. Mr. President, right now, Chinese owners control more than 194,000 acres of farm and forestland valued at $1.9 billion, as of the last accounting, right here in the United States. Now, much of this farmland is located in close proximity to our military installations, and a lot of this farmland is being used so that Chinese-owned farm operations can compete with U.S. farmers.

My amendment would stop funds from this bill from ending up in the hands of agents of the Chinese Government and their businesses. This is a commonsense motion to commit.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, this motion to commit is a red herring and a complete distraction.

The Department of Agriculture already has strict rules that all producers must follow before they can participate in USDA conservation programs.

These dollars go to farmers who are American citizens or legal permanent residents for conservation practices that help protect and improve American soil and water. Farmers are only reimbursed after the practices are in place.

This would add burdensome paperwork, unnecessary bureaucracy that would really bog our farmers down. This is different than circumstances that were just talked about with state-owned Chinese companies. This is not the same thing. This amendment goes right at our farmers and the conservation practices they are asking us to support for them.

Again, the only reason for this amendment is to stop us from passing this bill, which, among other things, will cut prescription drug costs, create jobs, and tackle the climate crisis.

I urge a “no” vote.

The PRESIDING OFFICER. The Senator’s time has expired.

MOTION TO COMMIT

The question is on agreeing to the motion.

Mrs. BLACKBURN. Mr. President, I ask for the yeas and nays.

I urge a “yes” vote.

The PRESIDING OFFICER. Is there a motion to reconsider?

Mrs. BLACKBURN. Mr. President, I move to reconsider.

The motion is as follows:

The Senator from Tennessee [Mrs. BLACKBURN] moves to reconsider the motion to stop funds provided to—

(B) an entity partially or wholly owned by the People’s Republic of China; or

(2) would contain a definition for the term “pregnancy” that limits maternal and infant-related program resources to biological females.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, the only people who are capable of being pregnant are biological females; and, therefore, I think Federal pregnancy programs should be limited to biological females and that is what this would do.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, let’s be clear about what is going on here. This is a procedural attempt by Republicans to derail our ability to get this bill across the finish line and deliver for families in our country.

It is actually outrageous that Republicans are trying to talk about pregnancy when in this country, right now, they are forcing women to stay pregnant no matter their circumstances, passing cruel and extreme abortion bans.

Republicans are now resorting to tactics like this to distract from the fact that they don’t have any serious reason for working so hard to oppose this bill that lowers costs, lowers emissions, and lowers the deficit.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Florida has 40 seconds.

Mr. RUBIO. Mr. President, a few minutes ago, I looked back across 5,500 years of human history. So far, every single pregnancy has been a biological female. Therefore, the only thing I am trying to do is make sure that the Federal government is clear that because every pregnancy that has ever existed has been in a biological female, that our Federal laws reflect that and pregnancy programs are available to the only people who are capable of getting pregnant—biological females. Very simple.

I would accept a unanimous consent if they want to offer it, and we can move on and not waste any time.
Mr. SULLIVAN. Mr. President, I call up my amendment No. 5435, and I ask that it be reported by number. The PRESIDING OFFICER. The clerk will report.

The amendment has been referred to the non-partisan executive clerk as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 5435 to amendment No. 5194.

Mr. SULLIVAN. Mr. President, I ask that the reading be waived.

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

The amendment is as follows:

(Purpose: To replace the funding for the Office of the Chief Readiness Support Officer with a $250,000,000 appropriation for the construction or improvement of primary pedestrian fencing and barriers along the southwest border.)

In title II, strike section 70001 and insert the following:

SEC. 70001. FUNDING OF U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2027, for necessary expenses relating to the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, we have a true crisis—a humanitarian crisis, a national security crisis—right now on our southern border.

It is a huge tragedy that my Democratic colleagues want to ignore, and that tragedy has spread across our Nation—crimes; victims of human trafficking; many of them children; a fentanyl epidemic killing our young people; chaos—all fueled by a lawless border.

Secure borders work. Walls work. Just ask the Biden Administration, and they are quietly building sections of the wall in Arizona right now.

The Democrats’ partisan reconciliation bill does nothing—nothing—to address this crisis.

Instead, it gives DHS $500 million for sustainability and environmental programs when our kids are dying from drugs streaming in from the border, when our communities are under siege. This should not be the priority for DHS.

My amendment would take half a billion dollars and recommit it—this DHS money—to building the wall and securing our border, which is DHS’s primary mission, not environmental programs.

I ask that all my colleagues vote yes on this commonsense amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, communities are hurting; the administration is suffering from exposure to PFAS—commonly used chemicals that do not break down and have been linked to serious health problems.

This amendment would strike a provision in the bill that would help DHS repair and upgrade its facilities to protect surrounding communities and frontline DHS personnel from these harmful chemicals.

This amendment, instead, seeks to continue the past administration’s efforts to fund and construct an ill-conceived border wall on the southern border.

I agree that we need secure borders, but we need smart and cost-effective security measures, including technology and adequate personnel levels to meet our border security needs.

We should be working together in a bipartisan manner to develop smart investments in border security.

Let’s secure our southern and northern borders instead of throwing taxpayer dollars to build a costly and ineffective wall.

I urge my colleagues to vote no.

Mr. SULLIVAN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Time is expired on both sides.

The question is on agreeing to the amendment.

Mr. SULLIVAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

(RECALL VOTING ON NO. 5435)

The amendment (No. 5435) was rejected.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.
Mr. DAINES. Mr. President, I ask unanimous consent that the following amendments be considered as one amendment, No. 5487; No. 5425, Mr. DAINES; No. 5361, Ms. ERNST; No. 5480, Mrs. FISCHER; No. 5224, Mr. PORTMAN; No. 5443, Mr. GRAHAM; and No. 5454, Ms. MURKOWSKI. I further ask that there be 2 minutes of debate, equally divided, on each division prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. DAINES], for Mr. GRAHAM and others, proposes an amendment numbered 5487.

(AMENDMENT NO. 5487)

I urge the adoption of the amendment. The PRESIDING OFFICER. The Senator from Nebraska.

Ms. FISCHER. Mr. President, my Democratic colleagues say wealthy Americans want lower gas prices, vote yes. For slave and child labor. The price of energy is limited to the folks with lower incomes. Why do my colleagues from the other side keep giving bigger tax breaks to their rich donors?

My change would at least prevent taxpayer dollars from subsidizing the wealthy. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, this is a really easy one. Let’s trade bureaucracy and more funding in this bill for bureaucracy at the Department of Homeland Security for desperately needed technology along the southern border to stop deadly fentanyl from coming into our communities.

Tragically, over 100,000 Americans were killed last year, which is a record, from drug overdoses. Two-thirds of those overdoses were from these synthetic fentanyl opiates.

We know that the vast majority of that fentanyl originates with drug cartels in Mexico now, and there is a surge of these deadly drugs coming across our southern border.

This amendment increases funding for Customs and Border Protection by $500 million for badly needed technology to detect fentanyl and other drugs. If you can believe it, right now, only 2 percent of cars—2 percent—and 14, 15, 16 percent of commercial vehicles are being screened. Both GAO and the Department of Homeland Security IG have done reports saying we badly need this technology, and it is available. We need the funding.

The funding is more than offset by reducing huge funding increases in this bill for this Office of Chief Readiness at the Department of Homeland Security. So this money stays at DHS.

Let’s make it a higher priority to stop and detect these deadly poisons coming into our communities.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, the United States’ mineral security has really become our Achilles’ heel. It is a significant threat to our economy, to our competitiveness, to our security, and to our geopolitical leverage, all at the same time.

We know that mineral demand is skyrocketing, and yet it is harder than ever to produce more of these critical minerals in this country. So what we have done is that we have turned to imports to fill the gaps in our supply.

We are seeking, through this amendment, to put some limited assistance on the table to make sure that projects for the most critical minerals can move forward in a timely manner. That is what my amendment does for cobalt and for nickel.

Right now, we import 76 percent of our nickel, 48 percent of our cobalt, but demand is growing so dramatically for both as a result of EVs, of energy storage systems, and other clean technologies. So what we are seeking to do with this is repurpose $400 million of savings in this bill to implement domestic critical minerals projects, so that we can start moving forward.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New Mexico.

Mr. HEINRICH. Mr. President, these are all problematic amendments that would jeopardize the underlying legislation and the progress on climate, on prescription drugs, and on a whole host of other things. We should all vote no.

We should pass this important bill, and we should be done with this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:
The motion was rejected.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Dakota.

AMENDMENT NO. 5472

Mr. THUNE. Mr. President, Senator President, I call up my amendment No. 5472 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 5472 to amendment No. 5194.

The amendment is as follows:

(Purpose: To remove harmful small business taxes, and for other purposes)

At the end of part B of title D of title I, insert the following:

SEC. 13994. REMOVAL OF HARMFUL SMALL BUSINESS TAXES; EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES—Subparagraph (D) of section 56A(c), as added by section 10101, is amended to read as follows:

“(D) Special rules for determining applicable corporation status—For purposes of determining whether a corporation is an applicable corporation under this paragraph, all adjusted financial statement income of persons treated as a single employer with such corporation under section (a) or (b) of section 52 shall be treated as adjusted financial statement income of such corporation, and adjusted financial statement income of such corporation shall be determined without regard to paragraphs (2)(D)(i) and (II) of section 56A(c).

(b) Extension of limitation on deduction for state and local, etc., taxes—

(1) In general.—Section 164(b)(6) is amended—

(A) in the heading, by striking “2025” and inserting “2029,” and

(B) by striking “2026” and inserting “2029.”

(2) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

Mr. THUNE. Mr. President, Democrats say that the book minimum tax will apply only to very large corporations with a 3-year average financial statement income in excess of $1 billion, but as their bill is currently proposed—and this change occurred basically in the last 24 hours—the bill
would now require unrelated companies of any size held by funds or partnerships to combine their otherwise unrelated income to determine if they meet an aggregate $1 billion income threshold, subjecting each respective company to the book minimum tax even if its overall income is far too low. The significant expansion of the tax has the potential to subject thousands of American businesses to the book minimum tax’s administrative and financial burdens.

The nonpartisan Joint Committee on Taxation said this change would raise $35 billion in taxes on potentially thousands of small- and medium-size businesses, not merely a hundred or so large companies as our Democratic friends would have you believe.

My amendment is fully offset by extending for 1 year the cap on the State and local tax deduction enacted in the Tax Cuts and Jobs Act.

I encourage my colleagues to support this amendment and help ensure our Nation’s small- and medium-size businesses aren’t hit with a misguided and entirely inappropriate $35 billion tax hike.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, there are no tax increases on small businesses in our bill. The only companies that are paying under our bill are corporations with at least $1 billion in profit per year.

Republicans are calling private equity giants and foreign corporations with at least $1 billion in profits small businesses because they want private equity and foreign corporations to get more favorable treatment. Rather than close loopholes for billion-dollar private equity firms, Republicans would raise taxes on those making less than $400,000 per year.

I urge a “no” vote.

VOTE ON AMENDMENT NO. 5472

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—57

Barasso Daines Lee
Blackburn French Moore
Blumenthal Kaine Pingree
Brown Leiby Jordan
Cantwell Markley Murphy
Cardin Lejarraga Nash
Carper Menendez Tester
Duckworth Merkley Warnock
Durbin Murphy Whitehouse
Feinstein Murray Wyden
Gillibrand Padilla Yellen
Hickenlooper Peters

NAYS—43

Baldwin Hickenlooper Reed
Bennet Hirono Sanders
Blumenthal Kaine Schatz
Booker Klobuchar Schumer
Brown Kucinich Shaheen
Cantwell Klobuchar Smith
Cardin Leahy Stabenow
Carper Manchin Tester
Coons Menendez Van Hollen
Duckworth Murray Warner
Durbin Murphy Whitehouse
Hutchison Peters

The amendment (No. 5472) was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 5488

Mr. WARNER. Mr. President, I call up my amendment, No. 5488, and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5488.

Mr. WARNER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the extension of the limitation on State and local taxes and extend the limitation on excess business losses of noncorporate taxpayers, and for other purposes)

On page 545, strike line 1 and all that follows through page 547, line 17, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date which is 1 day after the date of enactment of this Act.

SEC. 13902. INCREASE IN RESEARCH CREDIT FOR BUSINESS LOSSES OF NONCORPORATE TAXPAYERS

(a) IN GENERAL.—Section 461(h) is amended—

(1) by striking “A MOUNT.—The amount” and inserting “AMOUNT.—

(1) IN GENERAL.—The amount”, and

(2) by adding at the end the following new subclause:

(“II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in subclause (I) shall be increased by $250,000.”

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 311(f) is amended—

(A) by striking “for a taxable year, there shall be allowed” and inserting “for a taxable year—

(‘‘(A) there shall be allowed’’,

(B) by striking “equal to” and inserting “equal to so much of the”,

(C) by striking the period at the end and inserting “and”,

(D) by adding at the end the following new subparagraph:

“(B) the credit shall be allowed as a credit against the tax imposed by subsection (b) for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(i) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A),’’;

(2) LIMITATION.—Paragraph (2) of section 311(f) is amended—

(A) by striking “paragraph (1)” and inserting “paragraph (1)(A)”, and

(B) by inserting ”, and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter,” after “calendar quarter”,

(C) CARETAKER.—Paragraph (3) of section 311(f) is amended by striking “the credit” and inserting “any credit”.

(4) DEDUCTION ALLOWED.—Paragraph (4) of section 311(f) is amended—

(A) by striking “credit” and inserting “credits”, and

(B) by striking “subsection (a)” and inserting “subsection (a) or (b)”; and

(c) AGGREGATION RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking “the $250,000 amount” and inserting “each of the $250,000 amounts”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13903. REINSTATEMENT OF LIMITATION RULES FOR DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 164(b)(6), as amended by section 13901, is further amended—

(A) by striking “and inserting “20%” and inserting “20%” and “20%”,

(B) by striking “2027” and inserting “2026”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2026.

Mr. WARNER. Mr. President, the end is near—I hope. For those of us on this side of the aisle who have worked long and hard for this, this is the last substantive action we have to take before final passage of a historic piece of legislation.

Recognizing—and I want to thank the Senators on both sides of the aisle for the productive discussions in the last vote on a difficult issue that my amendment would address.

My amendment would simply strike the offset in the previous amendment known as the State and local tax deduction and replace it with a 2-year extension of a so-called loss limitation policy that has bipartisan support over many years.

This was first employed under President Trump, then employed by the Democrats. Everyone on this side of the aisle has voted for this pay-for, $52 billion, which more than offsets the $35 billion that were taken from the previous amendment.

This amendment will allow us to move forward on this historic legislation, on drug prices, climate change,
The legislative clerk called the roll. The result was announced—yeas 50, nays 50, as follows: (Rollcall Vote No. 324 Leg.)

VOTE ON AMENDMENT NO. 5488

The amendment (No. 5194), as amended, was agreed to.

The amendment (No. 5488) was agreed to.

The VICE PRESIDENT. The majority leader.

Mr. SCHUMER. Madam President, I know of no further amendments to the substitute.

The VICE PRESIDENT. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 5194), as amended, was agreed to.

The VICE PRESIDENT. The clerk will read the title of the bill for the third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The majority leader.

Mr. SCHUMER. Madam President, it has been a long, tough, and winding road, but at last—at last—we have arrived.

I know it has been a long day and a long night, but we have gotten it done. Today, after more than a year of hard work, the Senate is making history.

I am confident the Inflation Reduction Act will endure as one of the defining legislative feats of the 21st century.

Our bill reduces inflation, lowers costs, creates millions of good-paying jobs, and is the boldest climate package in U.S. history.

This bill will kick start the era of affordable clean energy in America. It is a game changer. It is a turning point, and it is a long time in coming.

To Americans who have lost faith that Congress can do big things, this bill is for you. To seniors who face the indignity of rationing medications or skipping them altogether, this bill is for you. And to the tens of millions of young Americans who have spent years marching, railing, demanding that Congress act on climate change, this bill is for you.

The time has come to pass this historic bill.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall the bill, as amended, pass? 

Mr. SCHUMER. Madam President, I ask for the yeas and nays.

The bill (H.R. 5376), as amended, was passed.
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Michelle Benecke, Lena Chang, Chris Mulkins, Annika Christensen, Matthew Cornelius, Ben Schubert, Emily Manna, Allison Green, Jovan Jazayeri, Chelsea Davis, David Weinberg.

Mr. SCHUMER. Madam President, to the floor staff, particularly the Parlia-
mentarian, who worked so hard under not easy conditions. And especially be-
cause we had so much work in such a short period of time, we thank you so.

The clerks, the doorkeepers, the re-
porters—thank you.

Thank you to the pages who worked over time to help us in this historic en-
deavor. You will tell your grand-
children you were here. You were here.

Thank you to the cafeteria workers,
custodial staff, and Capitol Police. The Senate can’t function without all of you. And I thank the Office of Legisla-
tive Counsel, the Joint Committee on Taxation, the Congressional Budget Of-

cesse, Brenda Sears, Natalia Tepke; my speechwriter, Tony Rivera; my rapid response director, Dan Yoken; the amazing team of research-

ers: Hanna Talley, Thaha Sherwani, Mikael Teseema. And to our talented assistants, thank you so much: Gabriel Avallone, Gregory Leighter, Riya Vashi, and Sidney Johnson.

Two people who do an amazing job reaching out to the community: Cierra Kianidoli and Julietta Lopez— incred-

ible. They talk to everyone and make them feel part of what we are doing and they know what we are doing. It is so wonderful, the job they do. And a brilliant legislative team—brilliant. “Brilliant” is an overused word, but it is not overused in the case of my staff. The ideas they come up with, the way they manage to get ev-

eything done. It is amazing.

So there is Adrian Deveny and Tim Ryder, Matt Fuentes, Dili—it is a hard, hard job. I am very happy with Dili. I’m glad it is just Dili. It is Sundaramoorthy. How did I—Where is he? Oh, he is not here to correct me. Good.

And Anna Taylor. Anna Taylor is so damn dedicated. She had a baby 2 days ago, and she is still on the phone talking. And I said: Anna, stop.

No, no, no. She was so dedicated and put so much time into this that she kept working. And her little beautiful child, Posey. We heard her crying hap-

pily in the background as we were moving through all of this. Jon Cardinal—an amazing guy who worked so hard on this—on CHIP fab—Reggie Bahin on counsel, Rob Hickman. Annie Daly, Ramon Carranza, Catalina Tam, Sam Rodarte, Jillian McGrath, Justine Reveille, Ryan Eagan, Didier Barjon, Grace Magaleta, Bre Sonnier-Thomp-
son, Vandana Patel, Leela Najafi, Leann Sinpattanasuk, Jeff Dickson, Mike Kulken, Lane Bodian, Reza Zomorrodian, Yazeed Abdelhaq, Beth Vrabel, Kai Vogel, Josh Gutmaker, and Gunnar Haberl.

And the floor staff—you know, there are certain people you say: We couldn’t have done it without you, and a bunch of the names I have mentioned fall in the “couldn’t have done it without you” category. But we all know that just the wisdom and the knowledge and the history that is in his bones and brain just make him indispensable, and that is Gary Myrick.

Is he here? He is very modest. So I am going to make him mad. We should all applaud him. He hates it. (Cheers and applause.)

And, of course, Tricia Engle, his great deputy, and the wonderful team on the floor and in the cloakroom: Stephanie Paone, Rachael Jackson, Nate Oursler, Daniel Tinsley, Brad Watt, Jacky Usyk, Maalik Simmons, and Miriam Wheatley.

And, of course, my tech and IT team, what a great bunch. And for someone who is not very tech oriented, his team is indispensable, too: Scott Rodman, Hemen Mehta, Jon Housley, and Amy Mannering.
And more staffers who work here every day in Washington—and we did not name a lot of my staff in New York. I will just throw in the name of Steve Mann, who has been our deputy director since I started in the Senate and do a wonderful job. They all do, but I just wanted to throw out at least a name that we commiserate with Mike Lynch over the Yankees, who are losing a lot of games these days.

Today, as I conclude, I ask unanimous consent to have the names of my entire staff printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADER SCHUMER SENATE STAFF, AUGUST 2022

Abdelhaq, Yasmeen, Legislative Correspondent; Ahn, Adolph, Graphic Designer; Aguilar, Joseph, Digital Communications Assistant; Alibrooks, Joshua, Community Outreach Assistant; Arnowood, Garrett, Deputy State Director; Aschaf, Azmain, Digital Organizing Assistant; Avalos, Gabriel, Press Assistant; Babin, Reggie, Chief Counsel; Banez, Robert, Photographer; Barjon, Diletta, Staff Assistant; Bartlett, John, Director of Intergovernmental Relations; Battle, Sharon, Mailroom Assistant; Benavides, Jackie, Deputy Immigration Director; Bissett, Anna, Senior Press Secretary; Bodian, Lane, Legislative Assistant; Bowman, Kevin, Director of the SDMC; Brennan, Martin, State Director; Brooks, Q, Staff Assistant; Cardinal, Jon, Director of Economic Development; Cardenas, Natalia, Deputy Director of Hispanic Media; Carrazza, Ramona, Legislative Assistant; Chang, Prepis, Joyce, Director of Constituent Services; Clark, Bella, Staff Assistant; Cole, Emily, Staff Assistant; Cook, Andrew, Staff Assistant; Cooke, Dave, Videographer; Corbett, Hiram, Deputy Rapid Response Video Editor; Coutavas, Sophie, Deputy NY Scheduler; Daly, Annie, Legislative Aide; Dayal, Tushar, Engineer; Deveny, Adrian, Director of Energy and Environmental Policy; Dickson, Jeff, LC Supervisor/Grants Coordinator; Dixon, Kara, Deputy Director of Video; Drenne, Lindsay, Art Director; Donovan, Patrick, Community Outreach Coordinator; Doumit, Yara, Staff Assistant/Flag Coordinator; Eagan, Ryan, Legislative Assistant; Evans, Lauren, Cloakroom Assistant, Video Producer; Emanuel, Marissa, Director of Youth Programs; Engle, Tricia, Assistant Legislative Secretary; FLOOD, SAM, Research Aide; Fuentes, Matt, Legislative Assistant; Geertma, Joel, Platform Director; Glander, Megan, Hudson Valley Regional Director; Goodman, Justin, Communications Director; Gutmaker, Joshua, Policy Aide; Haberl, Gunnar, Policy Aide; Harris, Jasmine, Director of African American Affairs; Hart, Rob, Transition Counsel; Housley, Jon, Systems Administrator; Hsi, Alex, Capitol Staff Assistant; Huus, Amber, Administrative Assistant; Iannelli, Mike, Long Island Regional Director; Jackson, Rachel, Cloakroom Assistant; Jamaica, Jessica, Digital Organizing Assistant; Jean, Mike, Special Assistant; Johnson, Sidney, Regional Deputy Director; Johnson, Nikki, Legislative Assistant; Kanigher, Gracie, Press Assistant; Kettle, Kellie, Deputy Director of Scheduling; Kladis, Celia, Director of Engagement; Kulkens, Mike, National Security Advisor; LEE, MOLLY, Director of Strategic Communications; Lopez, Julietta, Director of Community Action; Lynch, Mike, Chief of Staff; Magalatta, Grace, Legislative Correspondent; Mann, Steve, Deputy State Director; Mannerinz, Amy, Director of Operations; Marcozinho, Amelie, Staff Assistant; Martin, Ryan, Upstate Press Assistant; Maslin, Evan, Staff Assistant; McGrath, Jon, Legislative Assistant; McGowan, Jim, IT Principal Architect; Meyer, Ken, Director of Digital Media; Moore, Catey, Mailroom Coordinator; Morgan, Rachel, Mailroom Assistant; Morris, John, Deputy Scheduling Director; Myrick Gary, Democratic Secretary; Najafi, Leela, Nominations Aide; Nam, Alice, Deputy National Press Secretary; Neighbors, Natasha, Press Assistant; Nguyen, Alex, National Press Secretary; Nicholson, Jordan, Regional Director; Ourelre, Nate, Cloakroom Assistant; Paone, Stephanie, Senior Staff Assistant; Patel, Vandan, Legislative Correspondent; Petrella, Gerry, Policy Director; Reese, William, Dep Dir of the Senate Diversity Initiative; Revelle, Justine, Associate Counsel; River, Tony, Director of Speechwriting; Rodarte, Sam, Legislative Assistant; Rodman, Scott, Director of Information Technology; Rodriguez, Matt, Capitol Staff Assistant; Roefaro, Angelo, New York Press Secretary; Ryder, Tim, Legislative Assistant for Disaster Policy; Seljas, Nelson, Mailroom Assistant; Sheehan, Karen, Rapid Response Video Editor; Shaw, Savannah, Staff Assistant; Sherwani, Thaha, Research Assistant; Simpatanassakul, Leesan, Legislative Aide; Smith, Hannah, Staff Assistant; Sonnerr, Thompson, Bre, Legislative Correspondent; Sorin, Andy, Regional Secretary; Sundaramoorthy, Dili, Legislative Aide; Sweda, Emily, Director of Scheduling; Talley, Hanna, Deputy Research Director; Taylor, Brett, Legislative Director; Taylor, Catalina, Legislative Aide; Taylor, Anna, Director of Economic Policy; Taylor, Terri, Executive Assistant; Tepke, Paige, New York Press Assistant; Teves, Andrew, Research and Rapid Response Assistant; Timothy, Kimarah, Constituent Liaison; Tinsley, Dan, Senior Floor Staff; Uriarte, Jonathan, Director of Hispanic Media; Vashii, Riya, Press Assistant; Vaughn, Erin Sager, Deputy Chief of Staff; Velez, Cyre, Deputy Director of Digital Media; Virgona, Nicole, Staff Assistant; Vogel, Kai, Legislative Correspondent; Verperian-Grillo, Karine, Director of Foreign Affairs and Immigration; Vrabel, Beth, Budget Counsel; Watt, Brad, Floor Staff; Yoken, Morgan, Floor Director; Zuma, Nona, Video Production Director; Zeitmann, Chris, Regional Director; Zomorrodian, Reza, Legislative Aide.

Mr. SCHUMER. Madam President, I want them to know how much I appreciate the work they do, how great a difference they have made. This bill is going to change America for decades, and you did it. Wherever you go, whatever you do, you should never forget how much you have helped make the world and this globe a better place—never forget it.

So, to every single staffer on my team, to staffers in other offices, committees here on the floor: Thank you, thank you, very, very much.

I yield the floor because Mr. PADILLA has some important words about a New Yorker.

The ACTING PRESIDENT pro tem. The junior Senator from California.

TRIBUTE TO VINTAGE "VIN" SCULLY

Mr. PADILLA. Madam President, as Mr. SCHUMER said, I rise today to honor the life and mourn the passing of Vintage "Vin" Scully, who will be remembered as the greatest broadcaster in sports history, and a true ambassador for Los Angeles, the Dodgers, and the game of baseball.

Born in 1927 in the Bronx, he grew up not far from the Polo Grounds and actually became a big fan of the New York Giants baseball team as a child—and I never held that against him.

He served our Nation as a member of the Navy for a year as a radio announcer for Fordham University. And at Fordham—listen to this—at Fordham, he managed to play on the baseball team, work on the school paper, and broadcast many of the university's football, baseball, and basketball teams.

His career as a broadcaster took off soon after he graduated from college. By 1950, he joined the Brooklyn Dodgers broadcast team. And in 1954, he became the team's principal announcer—a position he would hold until his retirement in 2016. He was the longest-tenured announcer for any team in any professional sport.

In 1963, at only age 25, Vin became the youngest person to ever broadcast a World Series—a record that remains to this day.

When the Dodgers moved from New York to Los Angeles in 1958, Vin moved with the team, and he quickly became the voice of baseball in Southern California.

Vin was the voice of the Dodgers for 67 years, but his unparalleled storytelling and love of sports allowed him to transcend baseball. Many fans will remember his unique contributions to the most memorable football games and golf tournaments of the 20th century.

He was also a presence in pop culture, appearing in dozens of movies, TV shows, and documentaries. Vin lent his talents to everything ranging from the sketch comedy series "Laugh-Ins" to the iconic science fiction show "The X-Files," to the classic baseball movie— and one of my favorites—"For the Love of the Game," and he served as grand marshal of the 125th Rose Parade ahead of the 2014 Rose Bowl.

In 2016, President Obama awarded Vin Scully the Presidential Medal of Freedom, recognizing Vin as one of the signature sounds of America's pastime. Ever humble, when Vin was informed that he would be receiving the honor, he asked: "Are you sure?"

From Opening Day to the World Series, and every inning in between, Vin made every game game with his love of baseball, and for generations of fans—generations—Vin Scully's soothing voice meant it was time for Dodgers baseball.

Now, I grew up in the San Fernando Valley. My wife has a child. Growing up in the 1980s, I spent many evenings dreaming of growing up to play professional baseball while listening to Vin’s voice narrate the action. While he became a legend for his talents behind the microphone, he will actually be remembered best for his decency beyond the broadcast booth. I remember a few years ago, when I was
serving as California’s secretary of state, I had an opportunity to introduce Angela and two of our sons to Vin at a voter registration event before the game at Dodgers Stadium. He was just so incredibly gracious with my family; it is a memory that we will cherish.

But I also think that we weren’t unique in that interaction with Vin. He always made time for fans—regardless of age, regardless of occupation—wherever and whenever he met them. You see, he wasn’t just a sports broadcaster, he was larger than life, and he made all of us feel like family.

Angela and I certainly join the Los Angeles community, the Dodgers organization, and baseball fans around the world in mourning the passing of Vin Scully. Our hearts go out to the entire Scully family.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 986.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Z. Lee, of Tennessee, to be United States Circuit Judge for the Seventh Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 736, Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 736, Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Charles E. Schumer, Mazie K. Hirono, Martin Heinrich, Tim Kaine, Jack Reed, Jacky Rosen, Ben Ray Lujan, Christopher A. Coons, Alex Padilla, Sheldon Whitehouse, Sherrod Brown, Debbie Stabenow, Christopher Murphy, Patrick J. Leahy, John W. Hickenlooper, Tammy Baldwin, Angus S. King.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, August 7, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 986.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 736, Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Charles E. Schumer, Mazie K. Hirono, Martin Heinrich, Tim Kaine, Jack Reed, Jacky Rosen, Ben Ray Lujan, Christopher A. Coons, Alex Padilla, Sheldon Whitehouse, Sherrod Brown, Debbie Stabenow, Christopher Murphy, Patrick J. Leahy, John W. Hickenlooper, Tammy Baldwin, Angus S. King.

Mr. SCHUMER. Madam President, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, August 7, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COLOMBIA

Mr. LEAHY. Madam President, on August 7, Colombia’s newly elected President Gustavo Petro and Vice President Francia Marquez will begin their 4-year term. Their election represents a sharp break from the past.

The new government is inheriting every imaginable problem. Regrettably, the country has made minimal progress since the signing of the 2016 Peace Accord that ended five decades of armed conflict with the FARC, and in some parts of the country, narcotics-related violence is worse. The previous government failed to make a dent in the number of assassinations of social leaders or to hold members of the armed forces and police accountable for past atrocities. Compounded by the public health and economic shocks caused by the Covid-19 pandemic and a flood of Venezuelan refugees, Colombia remains a highly polarized society, divided between urban elites and the impoverished countryside. It will take many years to reverse decades of deeply rooted neglect, discrimination, poverty, and lawlessness.

Since 2020, the United States has invested more than $11 billion in a
counter-drug strategy in Colombia that was never sustainable and has largely failed, as it has failed in Mexico and Central America. As long as the demand for illegal drugs in this country remains high, the only solution in source countries like Colombia is a strategy that provides sustainable social and economic development, a professional, accountable police force, and a judiciary that is independent, accessible, and that the people trust.

Colombia has the advantage of being a democracy with exceptionally talented people and extraordinary geographic and biological diversity. But if the underlying causes of conflict and poverty are not addressed, the country’s future stability is far from assured. I urge the White House, the State Department, and the Defense Department against pursuing the same old failed strategies. With a new government in Bogota, there is the chance to avoid repeating past mistakes and to move not in the short term by the amount of money spent or the number of hectares of coca destroyed, but by long-term investments in institutions and local communities. The people of rural Colombia need our support, but not in the form of myopic approaches that have consistently failed to get at the root of the injustice, impunity, and inequality they have been struggling with for generations.

The U.S. Congress will do its part to support a strategy designed by the Colombians that is not just more of the same, that is consistent with the peace accord, that has the support of civil society, and, most importantly, that has the support of rural Colombians who have paid the highest price of past policies that have failed them.

SOUTH SUDAN

Mr. LEAHY. Madam President, I have spoken twice this year about the despair and insecurity that are a daily reality for the people of South Sudan, despite independence 11 years ago that held so much promise and hope for that country.

On January 6 and 31, I noted that the country’s independence was a result of the Comprehensive Peace Agreement—CPA—which took years of negotiations facilitated in part by the United States, Norway, and the United Kingdom. It provided a roadmap for political stability, economic development, respect for human rights, and justice. I further noted that since then, two former warlords, President Kiir and First Vice President Machar—who were never elected—have dominated the political landscape. It is they, throughout these formative years, who have had the executive power and the responsibility to turn the aspirations of independence into meaningful improvements for their people.

Eleven years later, the country is in a state of political paralysis, and its people are coping with a widening humanitarian crisis, brought on by violence instigated by government security forces, severe flooding, skyrocketing fuel costs, and acute food shortages compounded by the war in Ukraine which was a major source of grain imports for South Sudan. Millions of people have been displaced from their homes by the fighting, flooding, and hunger.

I will not take time today to recount the litany of failures of the Kiir-Machar government which I enumerated earlier. The country’s leaders have done nothing to prepare for elections impossible, for all the reasons noted earlier. The country’s leaders and Machar are determined to cling to power. The text of the bill that was negotiated and agreed to by the parties in December—President Kiir and Machar have now proposed extending their unpopular authoritarian rule for 3 years without the consent of the people of South Sudan. The parliamentary faction of President Kiir has passed a political parties bill in which they have changed political parties’ registration requirements in order to limit those who could pose a serious challenge to their continued hold on power. The text of the bill that was negotiated and agreed to by the parties was changed by Kiir’s parliamentary caucus and submitted through the Parliament despite boycott and serious objections from the other parties. All these actions provide sufficient evidence to suggest that President Kiir and Machar are determined to cling to power by any means necessary.

It is no secret that President Kiir and his Deputy Machar have made the conditions for holding free and fair elections impossible, for all the reasons noted earlier. The country’s leaders have done more for elections, preferring instead to retain power by default. By fomenting civil unrest and violence and threatening and arresting their critics, they have transformed the peace agreement into a meaningless document. Rather than peace and prosperity, it has brought dictatorship, corruption, violence, and misery.

As I said on January 31:

The sad reality is that while the South Sudanese people won their independence from a dictatorship, the country has become one of the most ruthless and corrupt warlords who created so much ethnic conflict, bloodshed, and misery during the civil war and who have not been held accountable.

They simply reinvented themselves as political leaders, with a stamp of legitimacy from the international community, while continuing to act like the warlords they are and always were.

They have shown no interest in implementing the R-ARCSS or any other peace agreement.

They have shown no interest in the welfare of their people.

They have shown no interest in anything except holding onto power, avoiding justice, and enriching themselves.

Real peace requires justice, and it requires respect for fundamental rights regardless of ethnicity, race, or religion. It requires freedoms and equitable economic development. Cardinal Pietro Parolin conveyed a clear message to President Kiir and Vice President Machar. Their churches played an indispensable role in the international effort that culminated in the 2005 comprehensive peace agreement, and they, too, have a stake in its success. Above all, President Kiir and Vice President Machar should know that the world is watching.

The ethnic and political violence, displacements, and destruction of villages and food stocks perpetrated against South Sudanese civilians in different parts of the country, including by forces loyal to them, must stop. Arbitrary arrests, unlawful trials, and forced disappearances, and killings of religious, civil society, and political leaders must stop and justice done for the victims.

Those currently detained arbitrarily must be released, including Kuel Aguer Kuel, former governor of Southern Bahr El Ghazal, and Pastor Abraham Chol Maketh.

The daily corruption in South Sudan, including illegal loans and growing debt burden that has impoverished the country and been a factor that must end, and South Sudan must begin to feed and care for its own people from its existing resources, which are sufficient if used prudently.

President Kiir and Rich Machar are responsible for the chronic hunger, insecurity, economic, and political crises in the country, and they have the power to bring peace and stability to South Sudan, which is a matter of urgent priority.

But the country is certain to disintegrate further if Kiir and Machar continue to hold it hostage to their individual interests at the expense of the lives and livelihoods of the South Sudanese people. They must prepare to step down and allow the country to recover and rebuild from the ruins of their policies.

I commend South Sudanese civil society and pro-democracy movements, such as the People’s Coalition for Civic Action—PCCA—for creating awareness about the plight of the people of South Sudan and for their nonviolent campaign for freedom and democracy. They have our support.

Finally, I want to urge the new government and the Intergovernmental Authority for Development—IGAD—countries to take similar action. There is no point in admonishing two failed leaders to...
implement a peace agreement they have no intention of implementing. That is not a policy. It is a dead end.

Instead, the administration should join with other key governments and stakeholders in exploring the possibility of recreating a new political forum for South Sudan to address the challenge of the looming end of the transitional government and the reality of the impracticality of conducting democratic elections in the current environment. Given the failure of the leaders of the current transitional government, it is unacceptable to extend its mandate. It should be brought to an end. I also urge the IGAD governments, particularly President Museveni of Uganda and President Uhuru Kenya of Kenya, and the other regional leaders, to face the fact that the Revitalized Agreement on the Resolution of Conflict in South Sudan—R-ARCSS—they helped mediate has been sabotaged by South Sudan’s leaders. The time has come to do what is needed to help the South Sudanese people get back on a path to achieve their democratic aspirations and freedoms.

South Sudan needs a new broad-based political dialogue that is inclusive of all political forces and civil society. This political dialogue, which many political parties and organizations have endorsed, should focus on peace and stability in South Sudan beyond the confines of power sharing, taking into account key provisions of the R-ARCSS, combined with the outcomes of the South Sudan national dialogue. Such a broad-based political dialogue should aim at reaffirming a shared vision for South Sudan and building consensus on political and constitutional matters, ending violence, saving lives, uniting the nation, and preparing for elections.

The dialogue process should culminate in the establishment of an interim administration led by persons of consensus, technocrats, and individuals not yet divided with the warring parties and not entangled in corruption and political violence. Such an administration should have a limited mandate to further political dialogue, rebuild public trust in government, strengthen the unified forces, deliver the constitution, return the IDPs and refugees, conduct a census, and culminate in free and fair elections.

The Biden administration should articulate a new policy that reinvigorates U.S. engagement and supplies peace, stability, and democracy in South Sudan. No one should have any illusion that this can achieved quickly or easily. But without a competent or credible government to engage with, we must shift our focus to providing strong support to pro-democracy, nonviolent organizations to create the pressure necessary for a genuine political dialogue to take place and build the foundation for a better future.

TRIBUTE TO NORMAN LEAR

Mr. LEAHY. Madam President, a remarkable American marked his 100th birthday last month. Marcelle and I were delighted to be able to wish Norman Lear our best on this milestone.

His achievements throughout his impactful life have broken important new ground for many, and with every turn, we all know Norman’s credits in television, such as “All in the Family,” “The Jeffersons,” and “Maude.” They helped shape 20th century American culture.

Norman’s influence on America did not start in television. He was an U.S. Army Air Force pilot in World War II, flying more than 50 combat missions over Italy and Germany, and his heroism garnered him the Air Medal with four oak leaf clusters.

Norman’s patriotism and public service continued throughout his television career. He addressed pressing social issues in ways others were not willing to do, touching hearts, and changing lives. His campaign was always to bring people together on common ground, an idea which is so desperately needed today in all facets of our culture and media.

He founded People For The American Way, championing American ideals that often were under fire or diminished by apathy.

Norman Lear has always understood that more things unite us than divide us as Americans, and to quote him, “we are all in this together.” I was moved by his reflections, published in the New York Times on July 27, 2022, his 100th birthday, and ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 27, 2022]

ON MY 100TH BIRTHDAY, REFLECTIONS ON ARCHIE BUNKER AND DONALD TRUMP

Well, I made it. I am 100 years old today. I wake up every morning grateful to be alive. Reaching my own personal centennial is cause for a bit of reflection on my first 100 years. I am in good health and sharp.

I was moved by my reflections, published in the New York Times on July 27, 2022, his 100th birthday, and ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 27, 2022]

ARCHIE BUNKER AND DONALD TRUMP

For all his faults, Archie loved his country and he loved his family, even when they called him out on his ignorance and bigotry. If Archie had been around 50 years later, he probably would have watched Fox News. He probably would have been a Trump voter. But I think that the sight of the American flag being used to attack Capitol Police would have sickened him. I hope that those who support him, such as Liz Cheney and Adam Kinzinger, and their commitment to exposing the truth, would have won his respect.

It is remarkable to consider that television—the medium for which I am most well-known—did not even exist when I was born, in 1922. The internet came along decades later, and then social media. We have seen that each of these technologies can be put to destructive use—spreading lies, sowing hatred and creating the conditions for authoritarianism to thrive. That is not the whole story. Innovative technologies create new ways for us to express ourselves, and, I hope, will allow humanity to learn more about itself and better understand one another’s ideas, failures and achievements. These technologies have also been used to create connection, community and platforms for the kind of ideological sparring that might have drawn Archie to a keyboard. I can only imagine the creative and constructive possibilities that technological innovation might offer us in solving some of our most intractable problems.

I often feel disheartened by the direction that our politics, courts and culture are taking. I do not lose faith, but I do not lose hope either. I wake up every morning grateful to be alive.

I often feel disheartened by the direction that our politics, courts and culture are taking. I do not lose faith, but I do not lose hope either. I wake up every morning grateful to be alive.

This is our century, dear reader, yours and mine. Let us encourage one another with visions of a shared future. And let us bring our shared dreams and open-mindedness and creative spirit we can muster to gather together and build that future.
PREVENTING CHILD SEX ABUSE ACT

Mr. GRASSLEY. Madam President, I have long fought to protect victims of violent crime. Victims of sexual assault, especially children who are victimized by sexual predators, must be safeguarded. I have worked to ensure the Violence Against Women Act is funded. I steered through the Senate and into law the Survivor’s Bill of Rights in the States Act. And I have introduced the Trafficking Victims Protection Act to support victims of human trafficking. I have fought and will continue to fight for victims of violent crime.

When I was the chairman of the Senate Judiciary Committee, I convened the first congressional hearing on protecting young athletes from sexual abuse. I conducted aggressive oversight into the U.S. Olympic Committee’s response following the scandal involving disgraced Olympic physician Larry Nassar. And I worked to ensure that the Protecting Young Victims from Sexual Abuse Act became law, which requires instructors, coaches, and others who work with young athletes to report cases of child sexual abuse to the authorities. But more needs to be done.

I continue to press the Department of Justice for more answers on the FBI’s handling of the Nassar case and why Nassar wasn’t federally charged for his crimes. I introduced the Preventing Child Sexual Abuse Act. We are confident this bill will continue to fight for victims of violent crime.

I wish legislation like this wasn’t necessary, but it is. We have to crack down on violent crime against children, and we shouldn’t wait another minute to act. I look forward to working with my fellow Senators to pass this legislation quickly and keep our children safe from predators.

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5194, as modified, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am revising the allocations for none of the reconciled committees and revising other enforceable budgetary levels to account for the budgetary effects of the amendment.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:

REVISIONS TO BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrence Resolution on the Budget for Fiscal Year 2022) ($ in billions)

<table>
<thead>
<tr>
<th>Category</th>
<th>2022</th>
<th>2022–2026</th>
<th>2026–2031</th>
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<tr>
<td>Total</td>
<td>4,176,690</td>
<td>243,714</td>
<td>238,424</td>
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<tr>
<td>Outlays</td>
<td>2,578</td>
<td>5,506,576</td>
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<tr>
<td>Revised Aggregates:</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Budget Authority</td>
<td>4,176,690</td>
<td>243,714</td>
<td>238,424</td>
</tr>
<tr>
<td>Outlays</td>
<td>2,578</td>
<td>5,506,576</td>
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</tbody>
</table>

REVISIONS TO BUDGET REVENUE AGGREGATES

(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrence Resolution on the Budget for Fiscal Year 2022) ($ in billions)

<table>
<thead>
<tr>
<th>Category</th>
<th>2022</th>
<th>2022–2026</th>
<th>2026–2031</th>
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ADJUSTMENTS

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<tr>
<td>Agriculture, Nutrition, and Forestry</td>
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<td>Budget Authority</td>
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<td>Energy and Natural Resources:</td>
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<td>Natural and International Centers for Missing and Exploited Children:</td>
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<tr>
<td>Budget Authority</td>
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<td>Homeland Security and Governmental Affairs:</td>
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<td>Revised Allocation</td>
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<td>Adjustments</td>
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<td>0.000</td>
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<tr>
<td>Revised Allocation</td>
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<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>Memo—total of all adjustments</td>
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</table>
BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Committee on Finance and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5009, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for five reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAY-AS-YOU-GO SCORERCARD FOR THE SENATE
(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)
($ in billions)

<table>
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<th>Fiscal Years 2022-2031</th>
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<td>Adjustments</td>
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<td>Revised Allocation</td>
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<td>Outlays</td>
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<td>37,966,712</td>
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</table>

PAY-AS-YOU-GO SCORERCARD FOR THE SENATE
(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)
($ in billions)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Fiscal Years 2022-2026</th>
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</tr>
<tr>
<td>Outlays</td>
<td>15,866,161</td>
<td>37,966,712</td>
</tr>
</tbody>
</table>

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5009, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for five reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5009, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for five reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5009, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for five reconciled committees and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:
PAY-AS-YOU-GO SCORECARD FOR THE SENATE
(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

<table>
<thead>
<tr>
<th>Adjustments: Budget Authority</th>
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PAY-AS-YOU-GO SCORECARD FOR THE SENATE
(Revisions Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revised Allocation: Budget Authority</th>
<th>Outlays</th>
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<tbody>
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<td>388,800</td>
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<tr>
<td>2022–2026</td>
<td>378,100</td>
<td>388,800</td>
<td>388,800</td>
<td>388,800</td>
</tr>
<tr>
<td>2022–2031</td>
<td>388,800</td>
<td>388,800</td>
<td>388,800</td>
<td>388,800</td>
</tr>
</tbody>
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PAY-AS-YOU-GO SCORECARD FOR THE SENATE
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<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revised Allocation: Budget Authority</th>
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</thead>
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<tr>
<td>2022</td>
<td>3,021,245</td>
<td>378,100</td>
<td>388,800</td>
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<td>388,800</td>
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</tr>
<tr>
<td>2022–2031</td>
<td>388,800</td>
<td>388,800</td>
<td>388,800</td>
<td>388,800</td>
</tr>
</tbody>
</table>

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5208, as modified, fulfills the conditions found in section 3002 of S. Con. Res. 14. Accordingly, I am further revising the allocations for the Committee on Finance and other enforceable budgetary levels to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5194 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES
(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revised Revenue Aggregates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
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<td>-188.721</td>
<td>-47.921</td>
</tr>
<tr>
<td>2022–2026</td>
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<td>19.466</td>
<td>47.921</td>
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<tr>
<td>2022–2031</td>
<td>19.466</td>
<td>47.921</td>
<td></td>
</tr>
</tbody>
</table>

REVISIONS TO BUDGET REVENUE AGGREGATES
(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revised Revenue Aggregates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
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<td>-47.921</td>
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<td>2022–2026</td>
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</tr>
<tr>
<td>2022–2031</td>
<td>19.466</td>
<td>47.921</td>
<td></td>
</tr>
</tbody>
</table>

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution’s reconciliation instructions.

I find that amendment No. 5488 fulfills the conditions found in section 3002 of S. Con. Res. 14 and was adopted. Accordingly, I am further revising the revenue aggregates and pay-as-you-go ledger to account for the budgetary effects of the amendment.

This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn or fail, this adjustment will be null and void and the adjustment for amendment No. 5472 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustments, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISIONS TO BUDGET REVENUE AGGREGATES
(Pursuant to Section 3002 of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022)

<table>
<thead>
<tr>
<th>Fiscal Years</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revised Revenue Aggregates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>-5.63</td>
<td>-188.721</td>
<td>-47.921</td>
</tr>
<tr>
<td>2022–2026</td>
<td>-188.721</td>
<td>19.466</td>
<td>47.921</td>
</tr>
<tr>
<td>2022–2031</td>
<td>19.466</td>
<td>47.921</td>
<td></td>
</tr>
</tbody>
</table>
INFLATION REDUCTION ACT OF 2022

Mr. CARDIN. Madam President, Senate Democrats have stepped up and passed legislation that will make it easier for American families to afford health insurance coverage and prescription drugs and lower energy costs and boost domestic job creation in the growing clean energy sector. We have done so while reducing the deficit and without raising taxes on families and small businesses. The Inflation Reduction Act—IRA—tackles climate change, makes the Tax Code fairer, and invests in the long-overdue environmental justice programs. This is an historic bill, and polling indicates that large majorities of Americans support its major provisions.

While a simple majority of Senators can pass a budget reconciliation bill, there was nothing to prevent our Republican colleagues from joining us in supporting this measure to lower essential costs for American families and enhance our economic and national security. These are policies that all Senators and all Members of Congress should embrace, and this legislation contains many bipartisan policies. Reconciliation does not have to be a partisan process. Just in the past year, the Senate passed the Infrastructure Investment and Jobs Act—IIJA—the CHIPS + Science semiconductor manufacturing bill, the Honoring Our PACT Act, and Treaty Document No. 117–3, which contains Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden, with strong bipartisan majorities. I regret that our Republican colleagues did not join us today in passing the IRA.

As for me, if asked to choose between the status quo or lowering health care costs for Maryland families and having large companies pay a minimum, fair share of taxes, there is no contest. I will choose Maryland families every day. I find it incomprehensible that anyone—other than perhaps some billionaires—thinks it is acceptable that teachers, nurses, and mechanics and most small businesses often pay a greater percentage of their income in Federal taxes than the ultrawealthy or a company that makes billions of dollars in profits. The bill we passed today changes that calculation and holds the richest Americans and companies that make over a billion dollars accountable for paying their fair share of taxes, like everyone else in this country.

This past Wednesday, Timothy F. Geithner, Jacob J. Lew, Henry M. Paulson Jr., and Lawrence H. Summers issued the following statement:

As former Treasury Secretaries of both Democratic and Republican Administrations, we support the Inflation Reduction Act, which is financed by prudent tax policy that will collect more from top-earners and large corporations. Taxes due or paid will not increase for any family with median income less than $400,000/year. And the extra taxes levied on corporations do not reflect increases in the corporate tax rate, but rather the reclaiming of revenue lost to tax avoidance and provisions benefitting the most affluent. The selective presentation by some of the distributional effects of this bill neglects benefits to middle-class families from reducing deficits, from bringing down prescription drug prices, and from more affordable energy. This legislation will help increase American competitiveness, address our climate crisis, lower costs for families, and fight inflation—and should be passed immediately by Congress.

The original top-line estimates from the Congressional Budget Office—CBO—and the Joint Committee on Taxation—JCT—were that the bill would raise $725 billion in revenue, invest $433 billion, and apply the balance—nearly $300 billion—to deficit reduction. These numbers will change with the final score, but they illustrate the magnitude of what this bill will accomplish. The IRA will help to build a better America for all Americans.

Let’s start with health care. The bill we passed today will lower prescription drug prices and make healthcare more affordable for millions of Americans. Finally, the Secretary of Health and Human Services will have the authority to negotiate lower drug prices for the Medicare Program, benefitting both millions of seniors on fixed incomes, and the Medicare program. In the private sector, no plan sponsor or manager would accept responsibility without the ability to decide how to negotiate. Medicare negotiation will ensure that patients with Medicare get the best deal possible on high-priced drugs, saving Medicare approximately $100 billion.

The IRA will further lower drug costs for seniors by capping out-of-pocket costs for part D prescriptions at $2,000 each year. Drug manufacturers will pay penalties if they raise their prices faster than inflation, and delaying of the Trump administration’s drug rebate rule. Although these provisions alone will lower beneficiary costs, the IRA also lowers costs through a redesign of the Medicare Part D formula, expansion of the low-income subsidy—LIS—in part D, and Federal coverage for vaccines.

The IRA also invests $64 billion to extend Affordable Care Act premium subsidies through 2025. These subsidies, first provided through the American Rescue Plan, have guaranteed millions of Americans access to affordable health insurance. Access to affordable health insurance saves lives and reduces costs because people get the care they need and they get it sooner. As Benjamin Franklin said, “An ounce of prevention is worth a pound of cure.” The IRA will save Maryland families with median income about $2,200 annually.

The IRA raises several hundred billion dollars by making the Tax Code fairer through three major provisions. The first provides up to $80 billion to the Internal Revenue Service—IRS—to modernize its computer systems, some of which are 60 years old, and rebuild its workforce to ensure greater tax compliance. CBO estimates that investing $80 billion in tax enforcement and compliance will generate $200 billion in additional revenue over the next 10 years.

Since 2010, the IRS budget has been cut by roughly 20 percent, and the budget earmarked for enforcement has dropped by 24 percent. Audit rates for the largest corporations and the ultra wealthy have fallen dramatically, by 54 and 71 percent, respectively. We now have the perverse situation where the poorest American families are audited at about the same rate as the top 1 percent richest taxpayers, even though that 1 percent is responsible for 28 percent of the “tax gap,” the difference between taxes owed and collected. According to recent polling, nearly three-quarters of Americans believe the IRS should conduct more tax audits of large corporations and millionaires.

The IRA provides 10-year funding for the IRS as follows: $3.2 billion for taxpayer services; $15.6 billion for enforcement; $25.3 billion for operations support; and $4.8 billion for business systems modernization.

These appropriations for the IRS are available until September 30, 2031, and no use of the funds is intended to increase taxes on any taxpayer with taxable income below $400,000.

The bill also makes it easier for the IRS to establish a free, direct e-file tax return system. The IRS currently outsources its free e-file program to private, for-profit tax preparers. Not surprisingly, only 3 percent of taxpayers—of 70 percent eligible—use the existing free e-file option.

The second major provision establishes a minimum corporate income tax of 15 percent of book income on fewer than 200 of the Nation’s largest corporations that currently pay less than the statutory corporate tax rate, which is 21 percent. The corporate alternative minimum tax—CAMT—proposals would impose the 15 percent minimum tax on adjusted financial statement—“book”—income for corporations with profits in excess of $1 billion. Corporations would generally be eligible to claim net operating losses against tax credits and losses for AMT paid in prior years, to the extent

...
the regular tax liability in any year exceeds 15 percent of the corporation’s adjusted financial statement income.

In 2020, 50 of the biggest corporations paid $0 in Federal corporate income tax, despite recording substantial profits. Some of these companies effectively had a negative Federal income tax because they received more in credits and rebates than they paid in taxes. The AMT makes the existing corporate tax structure fairer, especially for smaller businesses that often pay their taxes at lower rates than the largest corporations. Consider that many small businesses pay taxes through the individual tax code, where the highest tax rate is as much as 37 percent. Setting a baseline of taxes to be paid by the largest corporations gives small businesses a better chance to compete and succeed.

The third provision is a 1 percent excise tax on stock buybacks. Corporations can choose to distribute profits either in the form of dividends or buying back shares of stock, which inflates stock prices. Stock buybacks are taxed at a lower rate than dividends and create profit gaming opportunities for companies, which have been abused over decades. Charging a small excise tax on these buyback transactions, it improves tax efficiency and raises revenue that will significantly contribute to deficit reduction.

The IRA’s tax provisions will increase compliance and close the tax gap, which costs the U.S. $1 trillion per year in unpaid taxes, according to the IRS. That is important for the revenue they raise. It is also important that millions of hard-working Americans who play by the rules and pay their taxes believe that the system is fair and that the ultrawealthy and large corporations aren’t dodging their financial responsibilities.

We need to address climate change by rapidly reducing our dependence on fossil fuels and cutting our greenhouse gas emissions. The IRA does that. It will cut our emissions by 40 percent or more by 2030 and put us on track to meet 70 percent of our Paris agreement commitment in 2050 under my leadership, to increase the deduction amount, improve its administration, allow more nonprofits to use the deduction, and expand its use to building retrofits.

In addition to the important steps the IRA takes to advance clean energy and reduce greenhouse gas emissions, the bill delivers major Federal investments to make our communities healthier, safer, and more resilient in the face of increased impacts of climate change. It provides Federal assistance for monitoring environmental quality, mitigating the harmful impacts of air pollution and excessive heat, and enhancing walkability in our neighborhoods. It does this through $3 billion for Neighborhood Access and Equity Grants and $3 billion for Environmental and Climate Justice Block Grants. By targeting resources to disadvantaged or underserved communities, the bill advances equity in our infrastructure planning and investments.

Climate change is happening now. We need to address its impacts on the ground. The IRA invests $2.6 billion for climate and community protection of coastal and marine habitats and resources, including fisheries, to enable coastal communities to prepare for extreme storms and other changing climate conditions, as well as $250 million toward the rehabilitation and removal of the National Wildlife Refuge System and State wildlife management areas.

The bill supports America’s farmers and rural communities, with around $20 billion in funds for climate-smart agricultural practices through existing farm bill conservation programs, including the regional conservation partnership program—RCP—and $1 billion for the Natural Resources Conservation Service, to provide technical assistance on conservation to producers. Many of these investments are expanding cover crops and riparian buffers that mitigate greenhouse gas emissions and help farmers adapt to climate change also cost-effectively reduce pollution to the Chesapeake Bay.

The IRA makes investments to accelerate clean energy deployment, help achieve our climate goals, and create millions of jobs over the next decade. These investments are intended to be revenue neutral by allowing the tax credit to support domestic manufacturing of clean energy technologies, including solar panels, wind turbines, and batteries; and tax credits that will make battery and fuel cell electric vehicles—more than 1 million families. The bill provides over $9 billion for Federal procurement of American-made clean technologies, including $3 billion for the U.S. Postal Service to purchase zero-emission vehicles, helping to create the domestic market for clean, Made in America products.

Researchers Robert Pollin, Chirag Lala, and Shovulik Chakraborty at the University of Massachusetts-Amherst’s Political Economy Research Institute estimate that the IRA’s more than 100 climate, environmental, and energy provisions will generate an average of about 912,000 jobs each year over the next decade through combined annual public, private, and commercial investments of $38 billion.

The IRA tax credits and other provisions won’t just help create jobs; they will help create jobs that pay prevailing wages. The middle class has experienced wage stagnation for half a century. Income inequality has grown. The IRA will help to rebuild the middle class. Unions from the Communication Workers of America and the United Auto Workers to the National Treasury Employees Union, the American Federation of Professional and Technical Engineers all support the IRA because it promotes union jobs and apprenticeships and because it will lower healthcare costs.

In May, the Treasury Department estimated that the budget deficit this year will decline by $1.5 trillion. As President Biden noted at the time, “The bottom line is that the deficit went up every year under my predecessor before the pandemic and during the pandemic. And it’s gone down both years since I’ve been here. Period.” The IRA is fiscally responsible and will help reduce our budget deficits.

Deficits remain too high, of course, but one of the best ways to address them is by getting unemployed Americans back to work. The July jobs report released on Friday put the unemployment rate at 3.5 percent, matching the lowest it has been in 50 years. The U.S. economy added 528,000 jobs in July, more than twice the number economists anticipated. As Myles Udland, Senior Markets Editor of Yahoo! Finance, stated.

This staggering increase in employment completes a milestone for the U.S. economy: Pre-pandemic employment is now fully restored. In February 2020, the last month before the COVID-19 pandemic tipped the U.S. economy into recession, there were 152.5 million people employed in the U.S. As of July 2022, 152.5 million people in the U.S. were working.
And despite the labor market contraction during the pandemic being the sharpest in modern history, the bounce back marks the second-fastest job market recovery since 1981.

In a little over two years, we’ve seen job losses that topped 20 million at one point be fully erased.

This recovery stands in stark contrast to the malaise we saw in the labor market following the financial crisis, when it took the better part of a decade for pre-crisis employment levels to be restored.

Inflation is also too high, but its root causes are COVID–19 pandemic-related supply chain disruptions and Vladimir Putin’s war on Ukraine. The IRA tackles these disruptions by promoting domestic manufacturing and supply chains and reducing our reliance on foreign energy. On August 2, 2022, over 120 prominent economists wrote a letter to Senate and House leadership stating that the IRA “addresses some of the country’s biggest challenges at a significant scale because it is deficit-reducing, it does so while putting downward pressure on inflation.”

There is much to celebrate in this bill, but there are many priorities that we were not able to add. This to-do list includes reinstating the expanded child tax credit and making child care accessible and affordable. My priority list includes legislation I have long championed to expand dental coverage to Medicare beneficiaries, as well as Medicaid beneficiaries, along with expansions to home and community-based and maternal health services. Congress also needs to address housing supply and economic development priorities, including the Neighborhood Homes Investment Act, the Low-Income Housing Tax Credit, the New Markets Tax Credit, and the Historic Tax Credit. While the IRA will help create good-paying union jobs, we need to do more to protect and enhance workers’ rights to form and join unions and to collectively bargain.

And I will continue working to fund water infrastructure programs the IIJA runs turbines to generate electricity. For those unfamiliar with geothermal energy, it is generally produced by delivering geothermal brine and steam from underground reservoirs to the surface, where the resource then runs turbines to generate electricity. In some cases, there is a de minimis amount of naturally occurring non-combustion emissions released in the renewable generating process and the electricity produced is considered emissions free.

Thanks in part to the relentless efforts from Senator Cortez Masto, the Inflation Reduction Act provides the same incentives for geothermal energy resources placed in service after December 31, 2024, as it does for electricity produced by solar, wind, and other renewable resources. Indeed, all geothermal energy is included among the resources meeting the definition of “qualified facility” for the purposes of the new sections 45Y and 48D included in the Inflation Reduction Act.

I thank my colleague from Nevada for her dedication to and leadership on geothermal energy incentives. I am pleased to have worked with her on these incentives, and I most certainly agree that electricity produced from geothermal energy resources qualify for the production and investment incentives provided by sections 13701 and 13702 of the Inflation Reduction Act. That has been my intent throughout the course of drafting this legislation. Geothermal resources are critical to our clean energy future, and I thank my colleague for her collaboration in developing these robust new tax credits for clean energy.

Ms. Cortez Masto. I thank the chairman of the Finance Committee for leading the effort to simplify the Tax Code’s incentives for clean electricity. These credits will advance our transition to a clean energy future and are a key part of this legislation’s goal of reducing carbon emissions from the electricity sector more than 40 percent by 2030.

The 45Y and 48D provisions expressly make geothermal energy eligible for critical tax credits, and I appreciate the chairman’s attention to this issue given its importance to Nevada’s economy.

Nevada is a leader in geothermal energy and the industry provides critical jobs and revenues for my State and others across the country. Geothermal resources also provide clean power, and they are essential to meet the emissions reduction goals of this legislation. As the current chairman of the Finance Committee and former chairman of the Energy and Natural Resources Committee, Senator Wyden comment how this legislation intends to spur the deployment of this critical clean energy technology?

Mr. Wyden. I appreciate the question. For those unfamiliar with geothermal energy, it is generally produced by delivering geothermal brine and steam from underground reservoirs to the surface, where the resource then runs turbines to generate electricity. Thanks in part to the relentless efforts from Senator Cortez Masto, the Inflation Reduction Act provides the same incentives for geothermal energy resources placed in service after December 31, 2024, as it does for electricity produced by solar, wind, and other renewable resources. Indeed, all geothermal energy is included among the resources meeting the definition of “qualified facility” for the purposes of the new sections 45Y and 48D included in the Inflation Reduction Act.

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Ms. Cortez Masto. I thank the chairman of the Finance Committee and my friend from Oregon for his comprehensive answer, his commitment to solving for climate change, and for joining me today in this colloquy.

Ms. Cortez Masto. I appreciate the question. For those unfamiliar with geothermal energy, it is generally produced by delivering geothermal brine and steam from underground reservoirs to the surface, where the resource then runs turbines to generate electricity. Thanks in part to the relentless efforts from Senator Cortez Masto, the Inflation Reduction Act provides the same incentives for geothermal energy resources placed in service after December 31, 2024, as it does for electricity produced by solar, wind, and other renewable resources. Indeed, all geothermal energy is included among the resources meeting the definition of “qualified facility” for the purposes of the new sections 45Y and 48D included in the Inflation Reduction Act.

I thank my colleague from Nevada for her dedication to and leadership on geothermal energy incentives. I am pleased to have worked with her on these incentives, and I most certainly agree that electricity produced from geothermal energy resources qualify for the production and investment incentives provided by sections 13701 and 13702 of the Inflation Reduction Act. That has been my intent throughout the course of drafting this legislation. Geothermal resources are critical to our clean energy future, and I thank my colleague for her collaboration in developing these robust new tax credits for clean energy.

Ms. Cortez Masto. I thank the chairman of the Finance Committee and my friend from Oregon for his comprehensive answer, his commitment to solving for climate change, and for joining me today in this colloquy.

Mr. Cardin. Madam President, I would like to take this opportunity to congratulate Kim Brinkman, who will be retiring on August 12. I want to thank her for her 34-plus years of exemplary service to the Senate community. Kim has spent her entire career working in the Senate Disbursing Office. Her colleagues in disbursing will miss her, but so, too, will all Senators and Senate staff of all their fabulous. I have relied on Kim for expert advice and guidance on pay and health and retirement benefits and other issues.
Kim is a constituent, but she originally hails from Nevada, IA. She attended Stephens College in Columbia, MO, for 2 years and then transferred to the University of Iowa, where she graduated with a degree in economics. She is a proud Hawkeye.

In 1987, Kim began a summer internship working at the Federal Aviation Administration and decided she wanted to return to Washington, DC, after she graduated from college. She went to a library in her home town of Ames, IA, and checked the "Help Wanted" section of the Washington Post's classifieds. The Senate Disbursing Office had an opening; she applied and returned to Washington to interview for the job; and she got it. She started working in the disbursing office on October 5, 1987.

When Kim started her career, the disbursing office had a staff of 43; just 10 of them were women, including Kim. The Senate had just two female Senators: Senator Nancy Kassebaum of Kansas, and my former colleague, Senator Barbara Mikulski of Maryland, who had just assumed office a few months before Kim arrived. Fast forward to today, and 45 of the disbursing office's 58 staffers are women. There are 21 women, plus Vice President HARRIS. That has been one of the biggest changes Kim has witnessed over the course of her career. The other is the advent of the internet, email, and other information technology, which has revolutionized the way we all work, including Kim.

Senators LEAHY, GRASSLEY, McCONNELL, and SHELBY are the only Members currently serving who arrived here before Kim, and just one of her colleagues at disbursing has more seniority. Kim began her career as a staff assistant in the front office, moved to the employee benefits section, became the employee benefits manager, and later was promoted to her current position as assistant financial clerk of the Senate.

I have often said that the Senate is a family, and we are so grateful to staff members like Kim who make it function. Certainly, Kim has made the thousands of Senators and staffers she has helped over the years feel like family. She isn't just a subject matter expert when it comes to pay and benefits; she is friendly, cheerful, patient, and kind. Everyone who knows Kim has the highest regard for her character and work ethic.

Kim will travel back to Iowa this month to visit her parents and help celebrate her father's 90th birthday. She will also travel to Kentucky to celebrate her daughter Maya's graduation from the University of Kentucky. While Kim and her sister will continue to look after their parents as needed, I know Kim's legions of friends in the DC metropolitan area are glad that she will step up her gardening and her art-therapy for her recovery.

TRIBUTE TO LIEUTENANT COLONEL LAURIE RODRIGUEZ

Mr. ROUNDS. Madam President, I rise today to honor an exceptional member of the Air National Guard. I would like to recognize Lt. Col. Laurie Rodriguez's distinguished service and dedication to enhancing the relationship between the National Guard and my office as a legislative liaison.

A native of Brandon, SD, Lieutenant Colonel Rodriguez enlisted in the South Dakota Air National Guard and was later commissioned as a force support officer. She has served 25 years in both the South Dakota and Mississippi National Guard in a broad range of drill status and Active-Duty assignments, including a deployment to Afghanistan in support of Operation Enduring Freedom. Currently, she is excelling in the role of an Active-Duty squadron commander and as the joint team lead for the National Guard Bureau Office of Legislative Liaison. Additionally, she has served Active-Duty tours at Headquarters Air Force, the Executive Office of the President's Office of National Drug Control Policy, and several offices within the National Guard Bureau.

Lieutenant Colonel Rodriguez has served as a legislative liaison officer since October of 2018. Her attention to detail and passion for strengthening the relationship between my office and the National Guard immeasurably. Additionally, she formulated the congressional engagement plan and prepared National Guard leadership for over 71 meetings and hearings, informing congressional members on the National Guard Bureau's legislative priorities. Her efforts played a pivotal role in securing $129 million in appropriations in support of counter drug operations helping deter the opioid epidemic. Laurie also served as lead action officer on the impacts the creation of the Space Force had on 13 National Guard units with space missions. Finally, she answered hundreds of congressional inquiries, which provided critical information necessary for the consideration of three National Defense Authorization Acts. She did all of this while taking care of the men and women under her command at the 186th Force Support Squadron.

After concluding this challenging assignment in August, Lieutenant Colonel Rodriguez will take on another challenging role as a deputy division chief within the National Guard Bureau Operations Directorate. She embodies the qualities that the Nation expects from our officer corps and has a promising career ahead in continued service to our Nation. In closing, I express my gratitude and appreciation to Lieutenant Colonel Rodriguez for her excellent support of my office in furtherance of National Guard missions and my appreciation to her supportive husband, Angelito Rodriguez. I wish this National Guard family all the best in their next chapter of service to our Nation.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF MILE HIGH EARLY LEARNING

Mr. BENNET. Madam President, I rise today to recognize Mile High Early Learning for its 50th anniversary in 2022. The organization's founding, Mile High Early Learning has provided high quality early care and education to more than 50,000 children.

Mile High Early Learning is Denver's largest and oldest provider of subsidized high quality early care and education and is celebrating its 50th anniversary in 2022. Since the organization's founding, Mile High Early Learning has provided high quality early care and education to more than 50,000 children.

Mile High Early Learning had its beginnings when community child care providers created a consortium, incorporated on January 19, 1972, to provide affordable, accessible quality early childhood education and care for children from working families with limited resources. Today, Mile High Early Learning serves more than 1,500 young children every year.

As a Head Start and Early Head Start provider, Mile High Early Learning leverages these Federal resources to partner with numerous local early childhood providers to offer comprehensive health and family support services to families and expand access to high quality early education and care across Colorado.

Mile High Early Learning incorporates cutting-edge knowledge in early childhood, using a Montessori inspired approach that supports a love of learning, social-emotional development, and critical skills that lead to lifelong success. As a leader in the field of early childhood, Mile High Early Learning has developed continuing education and professional learning programs designed...
to grow, strengthen, and sustain our early childhood workforce including family, friend, and neighbor caregivers who care for the majority of children under age 3 years. Mile High Early Learning has created a workforce pipeline with on-ramps through its professional learning center that includes a child development associate training program for teachers who are beginning their profession in early childhood.

Mile High Early Learning’s quality programming informs state and national leaders and continues to be at the forefront in advocating for children and families across Colorado and promoting systems-level impacts that support and improve the field of early childhood education.

Mile High Early Learning is guided by a mission to enable all children to succeed in school by providing resources and education to inspire a lifetime of learning and a vision that all are joyfully welcomed into a learning community that prioritizes equity.

I congratulate Mile High Early Learning on reaching this important milestone of 50 years of caring for our children and ensuring high-quality early care and education.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and agreed to, as indicated:

By Ms. KLOBUCHAR (for herself and Mr. CORNYN):
S. 4785. A bill to expand by 19 days the authorization for the special assessment for the Domestic Trafficking Victims’ Fund; considered and passed.

By Mr. ROUNDS:
S. 4786. A bill to amend the Defense Production Act of 1950 to include the Secretary of Agriculture on the Committee on Foreign Investment in the United States and require review of certain agricultural transactions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. GRAHAM, Mr. COONS, Mr. BLUMENTHAL, and Ms. MURKOWSKI):
S. 4787. A bill to provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adequate vetting for parolees from Afghanistan, adjustment of status for certain nationals of Afghanistan, and special immigrant status for at-risk Afghan allies and relatives of certain members of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 344 At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans’ disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 444 At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 444, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons.

S. 673 At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from South Dakota (Mr. THUNE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 673, a bill to provide a temporary safe harbor for publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which content may be distributed.
(Mr. LANKFORD) was added as a cosponsor of amendment No. 5381 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

AMENDMENT NO. 5381

At the request of Mr. SCOTT of South Carolina, the names of the Senator from North Dakota (Mr. Cramer) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of amendment No. 5388 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

AMENDMENT NO. 5423

At the request of Mrs. BLACKBURN, the names of the Senator from Louisiana (Mr. Cassidy) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of amendment No. 5423 intended to be proposed to H.R. 5376, a bill to provide for reconciliation pursuant to title II of S. Con. Res. 14.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 748—HONORING AND CELEBRATING THE LIFE AND LEGACY OF REP. JACKIE WALORSKI

Mr. YOUNG (for himself, Mr. BRAUN, Mr. SCHUMER, Mr. McCONNELL, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. CHAMBLISS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPAO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. Ernst, Mrs. FeinSTEIN, Mrs. FISCHER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GRAYBUTT, Mr. GREGG, Mr. HAGERTY, Ms. HASSAN, Mr. HAWLEY, Mr. HENRICH, Mr. HICKENLOOPER, Ms. HERONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. KAIN, Mr. KELLY, Mr. KENNEDY, Mr. KING, Ms. KLOBUCHER, Mr. LEAHY, Mr. LEE, Mr. LIUJIN, Ms. LUMMIS, Mr. MANCHIN, Mr. MARKET, Mr. MARSHALL, Mr. MENENDEZ, Mr. MERRICK, Mr. MORA, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. OSSEFF, Mr. PADILLA, Mr. PAUL, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROHMANN, Mrs. ROSEN, Mr. ROUDS, Mr. RUBIO, Mr. SANDERS, Mr. Sasse, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHEAHER, Mr. SHELY, Ms. SINEMA, Ms. SMITH, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. TUBERVILLE, Mr. VAN HOLLEN, Mr. WARNER, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 748

Whereas Jacqueline R. Walorski (referred to in this preamble as “Jackie Walorski”) was born on August 17, 1963, to Martha and Raymond Walorski in South Bend, Indiana;

Whereas Jackie Walorski earned a Bachelor of Arts degree in communications and public administration from Taylor University in 1985 and also attended Liberty Baptist University;

Whereas Jackie Walorski began her career as a television news reporter for WSBT-TV in South Bend, Indiana;

Whereas Jackie Walorski served as Executive Director of the St. Joseph County Humane Society from 1991 to 2004 and started a foundation to provide food and medical supplies to impoverished children there;

Whereas Jackie Walorski was elected to the Indiana General Assembly as State Representative for the Second District of Indiana in 2004 and served 3 terms, ultimately becoming Assistant Floor Leader;

Whereas Jackie Walorski was elected to the United States House of Representatives for the Second Congressional District of Indiana in 2012 and served 5 terms;

Whereas, beginning in 2015, Representative Walorski served as Ranking Member of the Subcommittee on Worker and Family Support of the Committee on Ways and Means of the House of Representatives, where she was a leader in—

(1) strengthening programs for foster youth and children involved in the child welfare system;

(2) increasing opportunities for workers of the United States to succeed; and

(3) expanding access to paid family leave and child care;

Whereas Representative Walorski was appointed to serve on the Committee on Ethics of the House of Representatives, was selected to be the Ranking Member of that committee in 2021, and worked to hold Members of the House of Representatives to the highest standards of transparency, accountability, and ethical conduct;

Whereas Representative Walorski co-chaired the Hunger Caucus of the House of Representatives and led bipartisan efforts to fight food insecurity, increase food donations, and provide expedited delivery of international food aid;

Whereas Representative Walorski was a champion for Hoosiers, known for her leadership on issues impacting small businesses, manufacturing, agricultural sector, economic opportunity, the fentanyl crisis, and national security;

Whereas Representative Walorski, the daughter of an Air Force veteran, was known for her advocacy for servicemembers and veterans, including through enactment of the Veterans Mobility Safety Act of 2016 (Public Law 114-113) and legislation to extend whistleblower protections to victims of military sexual assault in the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66);

Whereas Representative Walorski was known for her integrity, work ethic, passion for public service, and laughter and never wavering in her commitment to God, family, country, and Indiana; and

Whereas Representative Walorski formed strong relationships and friendships with members on both sides of the aisle: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack that occurred at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack;

(2) the Senate honors Representative Walorski for her service to Indiana and the United States;

(3) the Senate respectfully requests the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of Representative Walorski; and

(4) today, in the Senate chamber, it stand adjourned as a further mark of respect to the memory of the Representative Walorski.


Mr. BALDWIN (for herself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 749

Whereas the freedom of religion is protected in the Constitution and, as such, this institution should be subject to violence, hate, intolerance, or religious and racial discrimination;

Whereas, on Sunday, August 5, 2012, a shooting took place that resulted in the death of 7 worshippers who were at the Sikh Temple of Wisconsin, a gurdwara in Oak Creek, Wisconsin;

Whereas the attack occurred as members of the congregation prepared a free community meal served to all congregants arriving for Sunday services;

Whereas several worshippers were injured, including a responding officer, Lieutenant Brian Murphy, who was shot 15 times at close range;

Whereas Lieutenant Brian Murphy, Officer Savan Lenda, and all the first responders to the gurdwara in Oak Creek demonstrated great courage in their quick response to the shooting, saving countless lives;

Whereas the Oak Creek shooting was a senseless act of violence and tragedy that should never befall an American community;

Whereas the Sikh community responded to the shooting in Oak Creek with compassion and stayed true to the Sikh principle of chordi kia, which roughly translates to “relentless optimism”;

Whereas, 10 years later, the effects of this shooting are still being felt and will be felt for years to come; and

Whereas the community of Oak Creek will continue to overcome the tragedy and become stronger than before; Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the horrific attack that occurred at the Sikh Temple of Wisconsin on August 5, 2012;

(2) honors the memories of Paramjit Kaur Kaleka, Ranjit Singh, Sita Singh, Prakash Singh, and Baba Punjab Singh who died in the attack;

(3) offers its heartfelt condolences to the families, friends, and loved ones of those who died in the attack;

(4) recognizes the Sikh community for demonstrating courage, strength, and resilience in response to the attack;

(5) applauds the bravery of the first responders who prevented the gunman from potentially taking more lives and quickly treated those who were wounded; and
(6) condemns intolerance, including religious and racial discrimination, and calls for unwavering resolve to prevent and seek justice for acts of hate and terrorism.

SENATE RESOLUTION 750—CELEBRATING THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE AND THE DEDICATION OF THE WALL OF REMEMBRANCE AT THE KOREAN WAR VETERANS MEMORIAL ON JULY 27, 2022

Mr. SULLIVAN (for himself and Ms. DUCKWORTH) submitted the following resolution; which was considered and agreed to:

S. Res. 750

Whereas, formed with the signing of the Mutual Defense Treaty between the United States and the Republic of Korea, done at Washington October 1, 1953, the United States-Republic of Korea alliance is the linchpin of peace, security, and prosperity for Northeast Asia, a free and open Indo-Pacific region, and across the world; Whereas United States-Republic of Korea military and defense ties are unshakable, and our ever-increasing economic, technological, diplomatic, people-to-people, and values-based bonds are strong and enduring; Whereas United States commitment to the defense of the Republic of Korea remains ironclad, and the alliance continues to work toward our shared goals of securing peace, stability, and prosperity on the Korean Peninsula and throughout the Indo-Pacific; Whereas the Wall of Remembrance at the Korean War Veterans Memorial was dedicated on October 23, 2019, with the attendance of more than 36,600 members of the United States Armed Forces who lost their lives in the Korean conflict, along with more than 7,100 Korean Augmentation to the United States Army personnel who died serving alongside them; Whereas the names of the United States and Republic of Korean fallen are integrated to reflect the shared burden they bore to defend the Republic of Korea; and Whereas the Republic of Korea and its citizens have paid an entire $22,000,000 cost of building the Wall of Remembrance: Now, therefore, be it

Resolved, That the Senate deeply appreciates the Government and people of the Republic of Korea for their generosity in funding the Wall of Remembrance, reflecting the shared sacrifice and common values of the United States-Republic of Korea alliance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5196. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5197. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5198. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5199. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5200. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5201. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5202. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5203. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5204. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5205. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5206. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5207. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5208. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5209. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5210. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5211. Mr. SANDERS (for himself and Mr. MERKLEY) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5212. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5213. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5214. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5215. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5216. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5217. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5218. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5219. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5220. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5221. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5222. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5223. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5224. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5225. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5226. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5227. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5228. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5229. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5230. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5231. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5232. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5233. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5234. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5235. Mr. MARSHALL submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5236. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5237. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5238. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5239. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5240. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5241. Mr. BRAUN submitted an amendment intended to be proposed to amendment...
SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5202. Mr. BRAUN submitted an amendment intended to be proposed by him to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5203. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5211. Mr. MERKLEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5259. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5263. Mr. WARNOCK (for himself, Mr. BALDWIN, and Mr. OSSOFF) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5266. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5269. Mr. DAINES (for himself, Mr. MARSHALL, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5276. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5287. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5290. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5292. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5293. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5294. Mr. MERKLEY (for himself and Mr. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5295. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R.
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<td>SA 5301</td>
<td>Mr. GRAHAM</td>
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<td>SA 5302</td>
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<tr>
<td>SA 5304</td>
<td>Mr. CORNYN</td>
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<td>SA 5310</td>
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<td>SA 5311</td>
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<td>SA 5312</td>
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<tr>
<td>SA 5313</td>
<td>Mr. LEE</td>
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<td>SA 5314</td>
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<td>SA 5318</td>
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<td>SA 5323</td>
<td>Mr. LEE</td>
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<td>SA 5324</td>
<td>Mr. LEE</td>
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<tr>
<td>SA 5325</td>
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<tr>
<td>SA 5326</td>
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<td>SA 5327</td>
<td>Mr. LEE</td>
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<tr>
<td>SA 5328</td>
<td>Ms. LUMMIS</td>
<td>H.R. 5376</td>
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<tr>
<td>SA 5329</td>
<td>Mr. CRUZ</td>
<td>H.R. 5376</td>
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<tr>
<td>SA 5331</td>
<td>Mr. ROMNEY</td>
<td>H.R. 5376</td>
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<tr>
<td>SA 5333</td>
<td>Mr. BRAUN</td>
<td>H.R. 5376</td>
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</tbody>
</table>

Note: All amendments were intended to be proposed to amendment SA 5194, unless otherwise specified.
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S4220

amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5407. Mr. HAGERTY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5408. Mr. COTTON submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5409. Mr. BARRASSO proposed an
amendment to amendment SA 5194 proposed
by Mr. SCHUMER to the bill H.R. 5376, supra.
SA 5410. Mr. BARRASSO submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5411. Mr. BARRASSO submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5412. Mr. BARRASSO (for himself, Ms.
COLLINS, and Mr. WICKER) submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5413. Mr. BARRASSO submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5414. Mr. LEE submitted an amendment
intended to be proposed to amendment SA
5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5415. Mr. LEE submitted an amendment
intended to be proposed by him to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5416. Mr. LEE submitted an amendment
intended to be proposed by him to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5417. Mr. LEE submitted an amendment
intended to be proposed to amendment SA
5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5418. Mr. SHELBY proposed an amendment to amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, supra.
SA 5419. Mr. ROUNDS submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5420. Mr. GRASSLEY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5421. Mr. GRASSLEY (for himself and
Mr. YOUNG) proposed an amendment to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.
SA 5422. Mr. HOEVEN submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.
SA 5423. Mrs. BLACKBURN (for herself and
Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5194
proposed by Mr. SCHUMER to the bill H.R.
5376, supra; which was ordered to lie on the
table.
SA 5424. Mr. MORAN submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5425. Mr. DAINES submitted an amendment intended to be proposed to amendment

VerDate Sep 11 2014

August 6, 2022

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05:40 Aug 08, 2022

Jkt 029060

SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5426. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5427. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5428. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5429. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5430. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5431. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5432. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5433. Mr. CRAPO submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5434. Mr. DURBIN (for Mr. VAN HOLLEN)
proposed an amendment to the resolution S.
Res. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association.
SA 5435. Mr. SULLIVAN proposed an
amendment to amendment SA 5194 proposed
by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of
SA 5436. Mr. YOUNG submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5437. Mr. SULLIVAN submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5438. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5439. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5440. Mr. KENNEDY submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.
SA 5441. Mr. KENNEDY submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.
SA 5442. Mr. KENNEDY submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.
SA 5443. Mr. KENNEDY submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.

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Frm 00170

Fmt 4637

Sfmt 0634

SA 5444. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5445. Mr. KENNEDY submitted an
amendment intended to be proposed by him
to the bill H.R. 5376, supra; which was ordered to lie on the table.
SA 5446. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5447. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5448. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5449. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5450. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5451. Mr. KENNEDY submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5452. Mr. MORAN (for himself and Mr.
TOOMEY) submitted an amendment intended
to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376,
supra; which was ordered to lie on the table.
SA 5453. Ms. MURKOWSKI submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5454. Ms. MURKOWSKI submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5455. Ms. MURKOWSKI submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5456. Ms. MURKOWSKI submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5457. Ms. MURKOWSKI (for herself, Mr.
DAINES, Mr. RISCH, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, supra; which
was ordered to lie on the table.
SA 5458. Ms. MURKOWSKI submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was
ordered to lie on the table.
SA 5459. Ms. MURKOWSKI (for herself and
Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 5194
proposed by Mr. SCHUMER to the bill H.R.
5376, supra; which was ordered to lie on the
table.
SA 5460. Ms. MURKOWSKI (for herself, Mr.
DAINES, and Mr. RISCH) submitted an amendment intended to be proposed to amendment
SA 5194 proposed by Mr. SCHUMER to the bill
H.R. 5376, supra; which was ordered to lie on
the table.
SA 5461. Ms. MURKOWSKI submitted an
amendment intended to be proposed to

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amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5462. Mr. MURkowski submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5463. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5466. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5467. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5468. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5472. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5473. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5474. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5477. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5479. Mr. CRAPO (for himself, Mr. MARSHALL, Mr. DAINES, Mr. TILLIS, Mr. BUR, and Mr. Risch) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5480. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5483. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5484. Mr. GRASSLEY (for himself, Mr. BAU, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Ms. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5486. Mr. MERRICK (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra; which was ordered to lie on the table.

SA 5487. Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. PORTMAN, Mr. BARRASSO, and Ms. MURKOWSKI proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, supra.

TEXT OF AMENDMENTS

SA 5196. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 70007. INCREASE IN PREMIUM TAX CREDIT.

(a) IN GENERAL.—The table contained in subparagraph (A) of paragraph (2) of section 30D(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18091(b)) is amended by—

(1) striking ''50'' and inserting ''up to 750.0''; and

(2) inserting a new paragraph (1) to read as follows:

"(1) IN GENERAL.—The table contained in subparagraph (A) of paragraph (2) of section 30D(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18091(b)) is amended by—

(i) striking ''50'' and inserting ''up to 750.0''; and

(ii) striking ''and higher'' in the last line and inserting ''not higher than'' in that line;''.

(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

SEC. 70008. REMOVAL OF AFGHAN NATIONALS WHO APPEAR ON THE BIOMETRICS-ENABLED WATCHLIST.

Federal funds appropriated under this Act may not be obligated or otherwise made available until after the President certifies to Congress that the nationals residing in the United States as of the date of the enactment of this Act who appear on the
biometrics-enabled watchlist of the Department of Defense have been apprehended by U.S. Immigration and Customs Enforcement.

SA 5200. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle A of title II, insert the following:

SEC. 20. PROHIBITION. No support or incentive under this title may be provided for an agricultural real estate holding wholly or partly owned by a person that is a national of, or is organized under the laws of, a country—

(1) designated as a nonmarket economy country pursuant to section 771(b) of the Tariff Act of 1930 (19 U.S.C. 1677(b)); or

(2) identified as a country that poses a risk to the national security of the United States in the most recent annual report on worldwide threats issued by the Director of National Intelligence pursuant to section 108B of the National Security Act of 1947 (50 U.S.C. 3043b) (commonly known as the “Annual Threat Assessment”).

SA 5201. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11301.

SA 5202. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 342, line 15, strike “assigned.” and insert the following: “assigned, and ”

“(D) without any discretion or possibility for an exemption, certify that no forced labor was used as part of the production of the specified property, including any part of the manufacturing supply chain for the property from the mining of the materials to the assembly of the property.

SA 5203. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60107 and all that follows through section 60201 and insert the following:

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) Test and Protocol Development.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2026, to carry out subsection (a) through (i) and subsection (k) of section 113 of division S of Public Law 118–260 (42 U.S.C. 7675).”

SEC. 60108. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) Appropriations.—

(1) In general.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 118–260 (42 U.S.C. 7675).

(b) Implementation and compliance tools.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 118–260 (42 U.S.C. 7675).

(3) Competitive grants.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2022, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 118–260 (42 U.S.C. 7675).

(b) Administration of funds.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) Competitive grants.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) Communications with ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, to provide for the operation of software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) Definitions.—In this section—

(1) the term ‘embodied carbon’ means the quantity of greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7675)).
of the Clean Air Act (42 U.S.C. 7545(e)(1)(G)) (as in effect on the date of enactment of this Act) emissions associated with all relevant stages of production of a material or product, regardless of carbon dioxide-equivalent per unit of such material or product.

(2) Environmental Product Declaration.—The term "environmental product declaration" means a document that reports the environmental impact of a material or product.

(a) Incentives for Methane Mitigation and Monitoring.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

(b) Waste Emissions Charge.—The Administrator shall impose and collect a charge on the reported metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the reporting thresholds under subpart W.

(1) Offshore petroleum and natural gas production.

(2) Onshore petroleum and natural gas production.

(3) Onshore natural gas processing.

(4) Onshore natural gas transmission compression.

(5) Underground natural gas storage.

(6) Liquefied natural gas storage.

(7) Liquefied natural gas import and export equipment.

(8) Onshore petroleum and natural gas gathering and boosting.

(9) Onshore natural gas transmission pipeline.

(c) Charge Amount.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by multiplying—

(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

(2) $1,500 for emissions reported for calendar year 2024; or

(3) $1,200 for emissions reported for calendar year 2025 and each year thereafter.

(d) Applicable Facility.—For purposes of this section, the term "applicable facility" means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

(1) Offshore petroleum and natural gas production.

(2) Onshore petroleum and natural gas production.

(3) Onshore natural gas processing.

(4) Onshore natural gas transmission compression.

(5) Underground natural gas storage.

(6) Liquefied natural gas storage.

(7) Liquefied natural gas import and export equipment.

(8) Onshore petroleum and natural gas gathering and boosting.

(9) Onshore natural gas transmission pipeline.

(e) Periode.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

(f) Period.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

(g) Return of Funds.—Funds collected pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.

(7) PLUGGED WELLS.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in environmental permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions mitigation implementation.
and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

(3) LIABILITY FOR CHARGED PAYMENT.—Except as established under this section, a facility owner or operator’s liability for payment of the charge under subsection (c) is not affected by misstatement of facts, omissions, permit fees, penalties, or other requirements under this Act or any other law.

(k) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ has the meaning given the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60112 of this Act, the following:

SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

"(a) APPROPRIATIONS.—

"(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

"(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

"(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 7 percent of the amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

(b) GRANTS.—

"(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Environmental Protection Agency to construct materials used in transportation projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label low-embodied carbon construction materials and products based on—

"(i) environmental product declarations;

"(ii) determinations of the California Department of General Services Procurement Division, in consultation with the California Air Resources Board; or

"(iii) determinations by other State agencies, as verified by the Administrator of the Environmental Protection Agency.

"(b) DEFINITIONS.—In this section:

"(1) EMBODIED CARBON.—The term "embodied carbon" means the volume of greenhouse gases (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emitted during all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

"(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term ‘environmental product declaration’ means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ‘low-embodied carbon construction materials and products’ means construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

"(1) $2,800,000,000, to remain available until September 30, 2026, to award grants for the activities described in subsection (b); and

"(2) $200,000,000, to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

"(b) GRANTS.—

"(1) IN GENERAL.—The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

"(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-carbon fuels and resilient and related infrastructure and workforce development that help reduce greenhouse gas (as defined in section 211(o)(1)(G) (as in effect on the date of enactment of this section)) emissions and other air pollutants;

(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heating emissions, and other related effects;

(C) climate resiliency and adaptation;

(D) reducing indoor toxics and indoor air pollution; or

(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

"(3) ELIGIBLE ENTITIES.—In this subsection, the term ‘eligible entity’ means—

(A) a partnership between—

(i) an Indian tribe, a local government, or an institution of higher education; and

(ii) a community-based nonprofit organization; or

(B) a community-based nonprofit organization; or

(C) a partnership of community-based nonprofit organizations;

"(D) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts of the amounts otherwise available in this section to provide technical assistance and training to applicants and awardees to build capacity in the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.
SEC. 50121. HOMES REBATE PROGRAM.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,300,000,000, to remain available through September 30, 2021, to carry out a program to award grants to State energy offices to develop and implement a HOMES rebate program.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each State energy office—

(i) with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to a State energy office if the application of the State energy office is approved.

(B) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to the State energy offices operating a HOMES rebate program that received grants under this section in proportion to the amount distributed to those State energy offices under subparagraph (A)(ii).

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(c) APPLICABILITY.—A State energy office seeking to carry out a HOMES rebate program under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to use procedures, as approved by the Secretary, for determining the reductions in energy use resulting from the implementation of the energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of modeled performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions;

(4) to use periodic monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit;

(5) to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in an under- served community that receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(6) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program.

(d) HOMES REBATE PROGRAM.—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall provide rebates to homeowners and aggregators for whole-home energy saving retrofits begun on or after the date of enactment of this Act and completed by not later than September 30, 2031.

(2) AMOUNT OF REBATE.—Subject to paragraph (1), under a HOMES rebate program, the amount of a rebate shall not exceed—

(A) for individuals and aggregators carrying out energy efficiency upgrades of single-family homes—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 15 percent, the lesser of—

(I) $2,000; and

(II) 50 percent of the project cost; and

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000; and

(II) 50 percent of the project cost; and

(iii) for measured energy savings, in the case of a home or portfolio of homes that achieves energy savings of not less than 15 percent, the lesser of—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit, with a maximum of $200,000 per multifamily building; or

(II) 50 percent of the project cost;

(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $4,000,000 per multifamily building; or

(II) 80 percent of the project cost; and

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 75 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(A) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use per dwelling unit, with a maximum of $200,000 per multifamily building; or

(B) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, the lesser of—

(I) $4,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(ii) for measured energy savings, in the case of a single-family home or multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(A) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $1,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(B) 80 percent of the project cost.

(3) RELATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—

(A) IN GENERAL.—A State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section is encouraged to provide rebates, to the maximum extent practicable, to low- or moderate-income households.

(B) INCREASE IN REBATE AMOUNT.—On approval from the Secretary, notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program using a grant awarded pursuant to this section may increase rebate amounts for low- or moderate-income households.

(4) USE OF FUNDS.—State energy offices that receive a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data, which grants are provided under this section are developed to achieve maximum greenhouse gas emissions reductions and household energy and costs savings regardless of source energy.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall not be subject to any expenditure prohibitions and limitations described in section 20.18 of title 10, Code of Federal Regulations.

(e) PREFERENCES FOR RETROFITTING REBATES.—

(A) A rebate provided by a State energy office under a HOMES rebate program may not be combined with any other Federal grant or rebate for the same single upgrade.

(B) DEPRECIATION.—In the case of—

(1) HOMES REBATE PROGRAM.—The term “HOMES rebate program” means a Home Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under the State Energy Program.

(2) LOW- OR MODERATE-INCOME HOUSEHOLD.—

The term “low- or moderate-income household” means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

(3) UNDERSERVED COMMUNITY.—The term “underserved community” means—

(A) a community located in a ZIP code that includes 1 or more census tracts that include—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; and
SEC. 5022. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2031, to carry out a program to provide financial assistance to States to develop and implement a State program pursuant to that subsection.

(b) USE OF FUNDS.—A State may use amounts received under subsection (a) —

(1) to reduce the cost of training contractor employees;

(2) to provide testing and certification of contractors trained and educated under a State program pursuant to subsection (a); and

(3) to partner with nonprofit organizations to develop and implement a State program pursuant to subsection (a).

(c) ADMINISTRATIVE EXPENSES.—Of the amounts received by a State under subsection (a), a State shall use not more than 10 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

SA 5205. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5776, to provide for reconciliation pursuant to Title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike section 50261 and all that follows through section 60201 and insert the following:

SEC. 50261. LEASE SALES UNDER THE 2017-2022 OUTER CONTINENTAL SHELF LEASE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) 2022 LEASE SALES.—The term ‘‘2022 Lease Sales’’ means each of the following lease sales conducted under the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program published on November 18, 2016, and approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MAA104000’’ (82 Fed. Reg. 6643 (January 19, 2017)).

(A) Lease Sale 256.

(B) Lease Sale 257.

(2) LEASE SALE 256.—The term ‘‘Lease Sale 256’’ means the lease sale numbered 256 that was approved in the Record of Decision described in clause (1) and in the notice of availability of a record of decision issued on August 31, 2021, entitled ‘‘Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 256’’ (86 Fed. Reg. 54728 (October 15, 2021)), which was the subject of the final notice of sale entitled ‘‘Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 256’’ (86 Fed. Reg. 54728 (October 15, 2021)).

(3) LEASE SALE 257.—The term ‘‘Lease Sale 257’’ means the lease sale numbered 257 that was approved in the Record of Decision described in clause (1) and in the notice of availability of a record of decision issued on August 31, 2021, entitled ‘‘Gulf of Mexico, Outer Continental Shelf (OCS), Oil and Gas Lease Sale 257’’ (86 Fed. Reg. 54728 (October 15, 2021)).

(b) REQUIREMENT FOR 2022 LEASE SALES.—Notwithstanding the expiration of the 2017-2022 leasing program, not later than December 31, 2021, the Secretary shall conduct 2022 Lease Sales in accordance with the Record of Decision approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MAA104000’’ issued on January 17, 2017 (86 Fed. Reg. 6643 (January 19, 2017)).

(c) REQUIREMENT FOR LEASE SALE 261.—Notwithstanding the expiration of the 2017-2022 leasing program, not later than September 30, 2023, the Secretary shall conduct Lease Sale 261 in accordance with the Record of Decision approved by the Secretary in the Record of Decision issued on January 17, 2017, described in the notice of availability entitled ‘‘Record of Decision for the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program Final Programmatic Environmental Impact Statement; MAA104000’’ issued on January 17, 2017 (86 Fed. Reg. 6643 (January 19, 2017)).

SEC. 50262. ENSURING ENERGY SECURITY.

SEC. 50262. ENSURING ENERGY SECURITY.

(a) Definitions.—In this section:

(1) FEDERAL LAND.—The term ‘‘Federal land’’ means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) OFFSHORE LEASE SALE.—The term ‘‘offshore lease sale’’ means an oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any tract offered in the lease sale, results in the issuance of a lease.

(3) ONSHORE LEASE SALE.—The term ‘‘onsshore lease sale’’ means a quarterly oil and gas lease sale—

(A) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(B) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

B) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum of total acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which applications of interest have been submitted for lease sales during that period; and

(2) the Secretary may not issue a lease for offshore wind development under section 3(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(A) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(B) the sum of total acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(c) Savings.—Except as expressly provided in this title, any reference in any provision of this Act to subsection (b) nothing in this section supersedes, amends, or modifies existing law.
Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to provide for the hiring and training of personnel, the development of computerized environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (5 U.S.C. 3105 note) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

SEC. 50203. DEPARTMENT OF THE INTERIOR.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2026, to provide for the hiring and training of personnel, the development of computerized environmental documents, the procurement of technical or scientific services for environmental reviews, the development of environmental data or information systems, stakeholder and community engagement, and the purchase of new equipment for environmental analysis to facilitate timely and efficient environmental reviews and authorizations.

SEC. 50204. TITLE VI—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 60101. CLEAN HEAVY-DUTY VEHICLES.

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7531) the following:

"SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

"(a) APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2031, to carry out this section.

"(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

"(3) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

"(b) PROGRAM.—Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for purchasing rebates, for up to 100 percent of costs for—

"(1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle or other technology that—

"(A) is proposed to be manufactured after section 131 of such Act (42 U.S.C. 7431) after section 132 of such Act, as added by section 60102 of this Act, the following:

"(A) any greenhouse gas (as defined in section 211(o)(1)(G) as in effect on the date of enactment of this section).

"(B) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(ii) hazardous air pollutants;

"(C) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

"(D) a private entity (including a nonprofit organization) that—

"(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A) through (C); and

"(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

"(B) any greenhouse gas has the meaning given in the term section 211(o)(1)(G) as in effect on the date of enactment of this section.

"SEC. 60102. GRANT REDUCE AIR POLLUTION AT PORTS.

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 60101 of this Act, the following:

"SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

"(a) APPROPRIATIONS.—

"(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,255,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

"(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;

"(B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and

"(C) to develop qualified climate action plans.

"(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis, determined by the Administrator based on the market value of the vehicles, "(2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

"(3) workforce development and training to support the adoption of such fuel or operation of zero-emission vehicles; and

"(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

"(c) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator at such time, in such manner, and containing such information as the Administrator shall prescribe.

"(d) DEFINITIONS.—For purposes of this section:

"(1) ELIGIBLE CONTRACTOR.—The term ‘eligible contractor’ means a contractor that has the capacity—

"(A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or

"(B) to arrange financing for such a sale, lease, license, or contract for service.

"(2) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means—

"(A) a State;

"(B) a municipality;

"(C) an Indian tribe; or

"(D) a nonprofit school transportation association.

"(3) ELIGIBLE VEHICLE.—The term ‘eligible vehicle’ means a Class 6 or Class 7 heavy-duty vehicle as defined in section 103.801 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this section).

"(4) ZERO-EMISSION VEHICLE.—The term ‘zero-emission vehicle’ means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

"(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas (as defined in section 211(o)(1)(G) as in effect on the date of enactment of this section).

"SEC. 60103. GREENHOUSE GAS REDUCTION FUND.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60102 of this Act, the following:

"SEC. 134. GREENHOUSE GAS REDUCTION FUND.

"(a) APPROPRIATIONS.—

"(1) ZERO-EMISSION TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to carry out this section, beginning not later than 180 calendar days after the date of enactment of this section,
to States, municipalities, Tribal governments, and eligible recipients for the purposes of providing grants, loans, or other forms of financial assistance, as well as technical assistance, to low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, including distributed technologies on residential rooftops, solar-powered devices, and other renewable energy systems, that can be rapidly and affordably deployed in low-income and disadvantaged communities.

(2) Low-income and disadvantaged communities.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $11,970,000,000, to remain available until September 30, 2024, to make grants on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in accordance with subsection (b).

(3) Low-income and disadvantaged communities.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

(4) Administrative costs.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $13,000,000,000, to remain available until September 30, 2031, for administrative costs necessary to carry out activities under this section.

(b) Use of funds.—An eligible recipient that receives a grant pursuant to subsection (a) shall use the grant in accordance with the following:

(1) Direct investment.—The eligible recipient shall:

(A) provide financial assistance to qualified projects at the national, regional, State, and local levels;

(B) prioritize investment in qualified projects that would otherwise lack access to financing; and

(C) retain, manage, recycle, and monetize all repayments and other revenue received from grant recipients, to repay loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability.

(2) Indirect investment.—The eligible recipient shall provide funding and technical assistance to establish new or support existing public, quasi-public, not-for-profit, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

(c) Definitions.—In this section:

(1) Eligible recipient.—The term ‘eligible recipient’ means a nonprofit organization that—

(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

(B) does not take deposits other than deposits and other repayments and other revenue received from financial assistance provided using grant funds under this section;

(C) is funded by public or charitable contributions; and

(D) invests in or finances projects alone or in conjunction with other investors.

(2) Qualified project.—‘Qualified project’ means a ‘greenhouse gas’ project that has been identified in section 211(c)(1)(G) (as in effect on the date of enactment of this section).

(3) Qualifying project.—The term ‘qualifying project’ includes any project, activity, or technology that—

(A) reduces or avoids greenhouse gas emissions and other forms of air pollution, in partnership with, and by leveraging investment from, the private sector; or

(B) assists communities in the efforts of those projects to reduce greenhouse gas emissions and other forms of air pollution.

(4) Publicly available equipment.—The term ‘publicly available equipment’ means equipment that—

(A) is located at a multi-unit housing structure;

(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

(C) is at a location that is publicly accessible at least 5 days per week and networked or otherwise capable of being monitored remotely.

(5) Zero-emission technology.—The term ‘zero-emission technology’ means any technology that produces zero emissions of—

(A) any air pollutant that is listed pursuant to section 108(a) or (ar) or precursor to such air pollutant; and

(B) any greenhouse gas.

SEC. 60104. DIESEL EMISSIONS REDUCTIONS.

(a) Goods movement.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 611 of the Clean Air Act (42 U.S.C. 7457–7457d, 7475, 7507, 7521, 7545, 7574, 7571, and 7611k).

(b) Greenhouse gas and zero-emission standards for mobile sources.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources, to carry out, with respect to greenhouse gases, sections 111, 115, 165, 177, 202, 211, 213, 231, and 611 of the Clean Air Act (42 U.S.C. 7457–7457d, 7475, 7507, 7521, 7545, 7574, 7571, and 7611k).

(c) Definition of greenhouse gas.—In this section, the term ‘greenhouse gas’ has the meaning given the term in section 111 of the Clean Air Act (42 U.S.C. 7411(1)(G)) (as in effect on the date of enactment of this Act).
SEC. 60106. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act)) emissions at schools.

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for providing technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).—

(1) to address environmental issues;
(2) to develop school environmental quality plans to improve schools' understanding of building, design, construction, and renovation; and
(3) to identify and mitigate ongoing air pollution hazards.

SEC. 60107. LOW EMISSIONS ELECTRICITY PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60109 of this Act, the following:

"SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031—

(1) $17,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;
(2) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reducing greenhouse gas emissions that result from domestic electricity generation and use;
(3) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;
(4) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including partnerships, with respect to reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and
(5) $18,000,000 to carry out this section to ensure that in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline."

SEC. 60108. REPORT FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;
(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and
(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) with respect to—

(1) to identify and mitigate ongoing air pollution hazards under subsections (a) through (i) and subsection (k) of section 103 of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) (as in effect on the date of enactment of this Act); and
(2) to support investments in advanced biofuels.

SEC. 60109. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, to carry out subsection (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsection (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675)."

SEC. 60110. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information.

(b) COMMUNICATIONS WITH ICIS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2021, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7521)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2031—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7621)); or
(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out activities pursuant to that subsection.

SEC. 60112. ENVIRONMENTAL PRODUCT DECARbonIZATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, to develop and
SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2023, to carry out subsection (b).

SEC. 60115. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) In general.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2023, for necessary administrative costs of the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2023, for necessary administrative costs of the Administrator of the Federal Highway Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2023, to provide technical assistance in carrying out the activities described in subsection (b).

(b) Grants.—
Subtitle E—Health Savings Accounts

SEC. 14001. INCREASE IN CONTRIBUTION LIMITATIONS.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The amount allowable as a deduction under subsection (a) to an individual for the taxable year shall not exceed—"

"(A) in the case of an eligible individual who has self-only coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to the applicable dollar amount under paragraph (1)(B) of section 13701(a)(13)(D) (as adjusted pursuant to paragraph (4) of section 13701(a)(13)(D)) with respect to such taxable year, or"

"(B) in the case of an eligible individual who has family coverage under a high deductible health plan as of the first day of the taxable year, an amount equal to 200 percent of the amount determined under subparagraph (A).

(2) by striking paragraphs (2), (3), (7), and (8); and

(3) by inserting after paragraph (1) the following:

"(2) ADDITIONAL CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained age 50 before the close of the taxable year (as determined under subpart (B) of section 13701(a)(13)(D) (as adjusted pursuant to paragraph (4) of such section) with respect to such taxable year, or"

"(B) the limitation under paragraph (1) (after the application of subparagraph (A) and without regard to any additional contribution amount under paragraph (2)) shall be divided equally between them unless they agree on a different division."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 223(d)(1) of the Internal Revenue Code of 1986 is amended by striking "the amount determined under subsection (b)(1)") and inserting "the amount determined under subsection (b)(1);"

(2) Subsection (g) of section 223 of such Code is amended—

"(A) by striking "subsections (b)(2) and (c)(2)(A)" both places it appears and inserting "subsection (c)(2)(A)"; and"

"(B) by amending subparagraph (B) to read as follows:

"(B) the cost-of-living adjustment determined under subsection (i)(4)(C) for the calendar year in which such taxable year begins determined by substituting "calendar year 2003" for "calendar year 2016" in subparagraph (A)(ii) thereof.

(3) Section 26(b)(2)(S) of such Code is amended by striking "January 1, 2022," and inserting "January 1, 2027,"

(4) Section 408(d)(9)(C)(ii) of such Code is amended by striking "in "2021"" and inserting "after December 31, 2020, and before January 1, 2027, or before October 1, 2022, or"

"(5) the date of enactment of this section)) emissions and other air pollutants;"

"(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;"

"(C) climate resiliency and adaptation;"

"(D) reducing indoor toxics and indoor air pollution; or"

"(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

"(3) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—"

"(A) a partnership between—"

"(i) an Indian tribe, a local government, or an institution of higher education; and"

"(ii) a community-based nonprofit organization; or"

"(C) a partnership of community-based nonprofit organizations;

"(c) ADMINISTRATIVE COSTS.—The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section.

SA 5206. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 14101. EXTENSIONS AND MODIFICATIONS.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 3(c) is amended—

"(A) by striking "January 1, 2022," in the matter preceding paragraph (1) and inserting "January 1, 2027," and"

"(B) by inserting "and 2022" after "2021" in the heading thereof.

(2) EXTENSIONS PROVIDED RELATIVE TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(A) is amended—

"(i) by striking "December 31, 2021," in the matter preceding clause (i) and inserting "December 31, 2026," and"

"(ii) by striking "AFTER 2021" in the heading thereof and inserting "AFTER 2026,"

(B) Section 24(k)(3)(C)(ii) is amended—

"(i) in subclause (I), by striking "2022," and inserting "after December 31, 2020, and before January 1, 2027," and"

"(ii) in subclause (II), by striking "December 31, 2021," and inserting "December 31, 2026,"

"(C) The heading of section 24(k)(2)(A) is amended by inserting "through 2026" after "2022."
“(3) any period after December 31, 2026.”.

(2) ANNUAL ADVANCE AMOUNT.—Section 7527A(b) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “or based on any other information known to the Secretary” after “reference taxable year”;

(ii) in subparagraph (B), by inserting “unless determined by the Secretary based on any other information known to the Secretary” before “the only children”, and

(iii) in subparagraph (C), by inserting “unless determined by the Secretary based on any other information known to the Secretary,” before “the ages of”, and

(B) by inserting “subsection (a) for months in the calendar year taken into account by reason of paragraph (3)(A)(ii), by striking “provided by the taxpayer” and inserting “provided, or known.”.

(3) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

“(a) IN GENERAL.—The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to 1/12 of the annual advance amount with respect to such taxpayer.”.

(B) MODIFICATIONS DURING CALENDAR YEAR.—In the case of any taxable year, the amendments made by the preceding provisions of this Act, are amended—

(i) by amending subparagraph (A)(ii) to read as follows:

“(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 26(b)(1) with respect to the taxpayer for the reference taxable year.”.

and

(ii) in subparagraph (B), by striking “periodic payment” both places it appears and inserting “monthly payments”.

(C) REFERENCE PAYMENT.—Section 7527A(c)(2) is amended by inserting “subsection (b)(3)(B)” and inserting “subsection (b)(3)”. (4) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b) is amended by adding at the end the following new paragraph:

“(b) ELIGIBILITY FOR ADVANCE PAYMENTS LIMITED BASED ON MODIFIED ADJUSTED GROSS INCOME.—Section 7527A(b)(3) is amended by inserting “subsection (b)(3)(B)” and inserting “subsection (b)(3)”. (5) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS.—Section 7527A(e)(3)(B) is amended—

(A) in subparagraph (A), by striking “The” and inserting “Except as provided in subparagraph (D), the advance”, and

(B) by adding at the end the following new subparagraph:

“(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR CERTAIN YEARS.—For the period beginning on October 1, 2022, and ending on December 31, 2022, the Secretary may apply this section without regard to subparagraph (A)(i).

(c) DISCLOSURE TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by adding at the end the following new paragraph:

“(b) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 24(i) is amended by

(d) SAFE HARBOR EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—Section 7527A(b)(3) is amended—

(A) IN GENERAL.—(i) by amending subparagraph (a) to read as follows:

“(a) IN GENERAL.—(I) The Secretary shall establish a program for making monthly payments to taxpayers in amounts equal to 1/12 of the annual advance amount with respect to such taxpayer.

(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as allowed under subpart C of part IV of subchapter A of chapter 1 by reason of section 26(b)(1) with respect to the taxpayer for the reference taxable year.”.

and

(B) by amending subparagraph (B), by striking “periodic payment” both places it appears and inserting “monthly payments”.

(2) ADJUSTMENT MODIFICATION.—Section 24(i)(j)(2)(B), as amended by the preceding provisions of this Act, is amended to read as follows:

“(B) ADJUSTMENT MODIFICATION.—Section 24(i)(j)(2)(B)(iv), as amended by the preceding provisions of this Act, is amended to read as follows:

“(iv) SAFE HARBOR AMOUNT.—For purposes of this subparagraph, the term ‘safe harbor amount’ means, with respect to any taxpayer for any taxable year, the sum of—

(I) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxpayer begins, and who are taken into account under this section for such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

(II) an amount equal to the product of $3,000 multiplied by the excess (if any) of the number of qualifying children not described in clause (I) who have not reached age 16 as of the close of the calendar year in which the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

(III) an amount equal to the product of $2,000 multiplied by the excess (if any) of the number of qualifying children who have not reached age 18 as of the close of the calendar year in which the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

(IV) an amount equal to the product of $1,600 multiplied by the excess (if any) of the number of qualifying children who have not reached age 25 as of the close of the calendar year in which the taxpayer begins, and who are taken into account in determining the annual advance amount with respect to the taxpayer under section 7527A with respect to months beginning in such taxable year, over the number of such qualifying children taken into account in determining the credit allowed under this section for such taxable year, plus

(V) ELECTRONIC PAYMENTS TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—In the case of a joint return, the annual advance amount of such taxpayer shall be treated as one amount with respect to both individuals filing the joint return under section 7527A(b)(2)(B) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly or separately, or in which the noncustodial parent under the applicable law for the individual who is not a resident of the United States for purposes of this Act, the income tax return for such year includes payments made under section 7527A, the income tax return for such year includes payments made under section 7527B, and the Secretary determines that such individual was so taken into account under this section for such year, but is not treated as one amount with respect to both individuals filing the joint return under section 7527A(b)(2)(B) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly or separately, or in which the noncustodial parent under the applicable law for the individual who is not a resident of the United States for purposes of this Act, the income tax return for such year includes payments made under section 7527A, the income tax return for such year includes payments made under section 7527B, and the Secretary determines that such individual was so taken into account under this section for such year.

(b) ELECTRONIC PAYMENTS TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—In the case of a joint return, the annual advance amount of such taxpayer shall be treated as one amount with respect to both individuals filing the joint return under section 7527A(b)(2)(B) that the Secretary uses to calculate such payments is a year for which the individual filed an income tax return jointly or separately, or in which the noncustodial parent under the applicable law for the individual who is not a resident of the United States for purposes of this Act, the income tax return for such year includes payments made under section 7527A, the income tax return for such year includes payments made under section 7527B, and the Secretary determines that such individual was so taken into account under this section for such year.

(c) EFFECTIVE DATE.—(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(2) PAYMENTS.—(A) The amendments made by paragraphs (1), (2), (4), and (5) of subsection (b) shall apply to payments after September 30, 2022.

(B) The amendments made by paragraph (3) of subsection (b) shall apply to payments after December 31, 2022.

(3) DISCLOSURE OF INFORMATION RELATING TO JOINT FILERS AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendment made by subsection (f) shall take effect on the date of the enactment of this Act.

SEC. 14102. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24 is amended by adding at the end the following new subsection:

“REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 32) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 7527A) for such taxable year—

“(1) subsection (d) shall not apply, and
In the case of a corporation which has taxable income in excess of $5,000,000, and after 2022, see subsection (l).''.

residents of Puerto Rico for taxable years beginning after December 31, 2022.—For application of refundable credit to individuals, estates, and trusts, see section 2511(b)(1).''.

28 percent of so much of the taxable income as exceeds $100,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (1) 3 percent of such excess, or (2) $382,000.

28 percent of so much of the taxable income as exceeds $200,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (1) 3 percent of such excess, or (2) $382,000.

(2) CORPORATION.—Section 243(c)(1) is amended—

PAYERS.—If, as of the first day of the taxable year, the amount of tax determined under the preceding sentence for such taxable year, the amount of tax determined under subsection (a) (after application of section (k)(3)(C)(ii)(II), as amended by the pre-

immediately upon the enactment of this Act, in addition to amounts otherwise available, may be reduced out of any amounts otherwise available in the Treasury not otherwise appropriated:

$1,000,000,000 is appropriated to the Department of the Treasury, to remain available until September 30, 2026, to support efforts for necessary expenses for the Internal Revenue Service to admin-

The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

Within the meaning of section 1701(c)(2), and

Theodore E. Schurman and intended to be proposed to the bill H.R. 5376, to
provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 90002. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE TRUST.

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $900,000,000 to remain available until September 30, 2029, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and new awards to entities (or not-for-profit entities that are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990 to increase living allowances and improve benefits of participants in such programs.

(2) REQUIREMENTS.—For the purposes of carrying out paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(b) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to increase the living allowances and benefits of participants in the National Civilian Community Corps, and to support programs described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990 and Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

(2) REQUIREMENT.—For purposes of carrying out paragraph (1)—

(A) section (b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting “200 percent” for “95 percent”;

and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting “210 percent” for “105 percent”.

(c) NATIONAL SERVICE TRUST.

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $50,000,000 to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for a national service program demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(d) AMERICORPS VISTA.

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $900,000,000 to remain available until September 30, 2029, which shall be used to increase the living allowances and benefits of participants in the National Civilian Community Corps, and to support programs described in subsection (a)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for a national service program involved demonstrates—

(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(ii) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(2) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) section 122(a)(3)(B) of the National and Community Service Act of 1990 shall be applied by substituting “210 percent” for “105 percent”; and

(B) section 105(b)(3)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting “210 percent” for “105 percent”.

(e) NATIONAL SERVICE IN SUPPORT OF VETERAN SERVICE ACT OF 1973.

(A) AMOUNTS APPLIED.—Amounts appropriated to carry out projects or activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990; and Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973;

(B) USE OF FUNDS.—(i) In general.—The Corporation shall use amounts otherwise available to carry out projects or activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990 and Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(2) USE OF FUNDS.—(i) In general.—The Corporation shall use amounts otherwise available to carry out projects or activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990 and Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(3) USE OF FUNDS.—(i) In general.—The Corporation shall use amounts otherwise available to carry out projects or activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990 and Volunteers in Service to America program authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(4) REQUIREMENTS.—For the purposes of carrying out paragraph (1)—

(A) section 122(a)(3)(B) of the National and Community Service Act of 1990 shall be applied by substituting “210 percent” for “105 percent”; and

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting “210 percent” for “105 percent”.

(f) ADMINISTRATIVE COSTS.

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2020 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2020, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $600,000,000 to remain available until September 30, 2029, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and new awards to entities (or not-for-profit entities that are already recipients of a grant or other agreement on the date of enactment of this Act) to support national service programs with activities described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of section 122 of the National and Community Service Act of 1990; and
(A) appropration.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payments to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service support for funds made available under subsection (e); and

(ii) pursuant to section 148(a)(1)(A) of the National and Community Service Act of 1990.

(2) supplemental educational awards.—

(A) appropration.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payments to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service support for funds made available under subsection (e); and

(ii) pursuant to section 148(a)(1)(A) of the National and Community Service Act of 1990.

(3) Period of availability for national service educational awards.—

(A) in general.—In addition to amounts otherwise available, there is appropriated $300,000,000, to remain available until September 30, 2022, for the purposes of providing supplemental educational awards to an individual eligible for such Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(B) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) END OF PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) in general.—In addition to amounts otherwise available, there is appropriated $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payments to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service support for funds made available under subsection (e); and

(ii) pursuant to section 148(a)(1)(A) of the National and Community Service Act of 1990.

(2) Supplemental educational awards.—

(A) appropration.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $300,000,000, to remain available until September 30, 2030, for—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) Outreach.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service programs and members of a community experiencing a significant dislocation of members or outlying area may be eligible to be served by an entity in a State described in subparagraph (A).

(g) Office of Inspector General.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries and expenses necessary for oversight and audit of programs and activities funded under this Act.

(h) National Service Trust.—

(1) in general.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payments to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service support for funds made available under subsection (e); and

(ii) pursuant to section 148(a)(1)(A) of the National and Community Service Act of 1990.

(2) use any other funds available to the Corporation for purposes related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002 by—

(i) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and

(ii) improving and expanding access to services, funds, wages, and benefits described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.

(i) General.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occup-
(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2025, to carry out activities through grants, cooperative agreements, contracts, intergovernmental agreements, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 90002.

(2) PRE-APPRENTICESHIP PARTNERSHIPS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2025, to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 90002 to encourage participation in programs funded under subsection (e)(1) of section 90002 have access to such pre-apprenticeship programs.

(3) REGISTRATION AND NONTRADITIONAL APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2025, to carry out activities through grants, cooperative agreements, contracts, intergovernmental agreements, or other arrangements, to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2025, for entities carrying out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (2) serving a high number of high-priority individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations.

(5) RENTREY EMPLOYMENT OPPORTUNITIES PROGRAM.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunities program, which amount may be used to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 90002.

(6) PAID YOUTH EMPLOYMENT OPPORTUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with work experiences as described in section 129(c)(2)(C) of the Workforce Innovation and Opportunity Act, notwithstanding section 194(10) of such Act, that are—

(1) carried out by public agencies or private nonprofit entities, including community-based organizations, in which—

(a) the term ‘‘community-based organization’’ means an organization that—

(i) is primarily engaged in meeting community needs, including the provision of services to individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations;

(ii) has programs that serve high-priority individuals with barriers to employment, including individuals with disabilities, or nontraditional apprenticeship populations;

(iii) is aligned with the activities described in subsection (e)(3) of section 90002; and

(b) have the meanings given such terms in paragraphs (10), (24), (27), (49), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

TITLE X—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 100001. DEFINITIONS.

In this title, the term ‘‘Secretary’’ means the Secretary of Agriculture.

SEC. 100002. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(a) IN GENERAL.—In addition to the amounts appropriated by section 23001(a)(1), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, until September 30, 2031, $2,250,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface. None of the funds provided under this section shall be subject to cost-share or matching requirements.

(b) PRIORITY; RESTRICTIONS; LIMITATIONS.—Subsections (b), (c), and (d) of section 23001 shall apply the amounts appropriated by this section as follows:

(1) PRIORITY.—The term ‘‘hazardous fuels reduction project’’ means an activity, including the use of prescribed fire, to protect structures and communities from wildfire that is carried out on National Forest System land.

(2) WILDLAND-URBAN INTERFACE.—The term ‘‘wildland-urban interface’’ has the meaning given in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 100003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

In addition to the amounts appropriated by section 23001(a)(1), and any other amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, until September 30, 2031, $1,750,000,000 to provide multiyear, programmatic, competitive grants to a State agency, a local governmental entity, an interstate governmental entity, a governmental organization of the District of Columbia, an agency or governmental entity of an insular area (as defined in section 1404 of the National Agricultural Extension Policy Act of 1977 (7 U.S.C. 3103)), an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance Program, established pursuant to the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities. Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 100004. COMPETITIVE GRANTS FOR NON-APPROPRIATED AND COMMUNITY FOREST LANDOWNERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $500,000,000 to award grants to Tribal, State, or local governments, the government of the District of Columbia, governmental organizations, special districts, or nonprofit organizations to support, on non-Federal land, forest restoration and resilience activities. Any non-Federal cost-share requirement otherwise applicable to projects carried under this section may be waived at the discretion of the Secretary.
under this section if such funds are not expressly authorized or currently expended for such purposes.

(c) DEFINITION OF RESTORATION.—In this section, the term "restoration"—as meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 120001. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECO- SYSTEM RESTORATION.

The funds made available under this title are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outstanding for an amount disbursed after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this title.

TITLE XI—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 110001. INVESTING IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts appropriated by section 40001(a), and any other amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to be available until September 30, 2026, to provide funding through direct expenditures, contracts, grants, cooperative agreements, or technical assistance to coastal states (as defined in paragraph (4) of section 301 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451)).

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80002(a), and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to be available until September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this title shall be subject to cost-share or matching requirements.

SEC. 110002. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT CONSERVATION RESILIENCE AND RESTORATION PROJECTS.

In addition to the amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000,000, to be available until September 30, 2031, to carry out conservation, ecosystem and habitat restoration projects on lands administered by the National Park Service or the Bureau of Land Management. None of the funds provided under this title shall be subject to cost-share or matching requirements.

TITLE XIII—ADDITIONAL MATTERS RELATING TO THE COMMITTEE ON INDIAN AFFAIRS

SEC. 130001. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to the amounts appropriated by section 80001(a), and any other amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $411,000,000, to be available until September 30, 2031, to carry out, through grants, contracts, or cooperative agreements, to perform conservation, resiliency, or restoration projects, including all expenses necessary to carry out such projects, in the public lands administered by the National Park Service or the Bureau of Land Management.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80002(b), and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) COST-SHARING AND MATCHING REQUIREMENTS.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 130002. NATIVE HAWAIIAN RESILIENCE AND ADAPTATION.

(a) IN GENERAL.—In addition to the amounts appropriated by section 80002(a), and any other amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditures, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(b) ADMINISTRATION.—In addition to the amounts appropriated by section 80002(b), and any other amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $441,000,000, to remain available until September 30, 2031, to provide funding for restoration projects on lands administered by the Bureau of Indian Affairs and the Department of the Interior, for carry out climate change adaptation and resilience activities.

(c) DISTRIBUTION; USE OF FUNDS.—Amounts appropriated by this section shall be distributed on a 1-time basis; shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5328(a)-(b)); and shall only be used for the purposes identified under the applicable subsection.

SA 5210. Mr. SANDERS (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 1 of subtitle B of title I and insert the following:

PART 1—CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDI-CARE PARTS B AND D

SEC. 110001. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDI-CARE PARTS B AND D.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"SEC. 1896c. CAP ON COSTS FOR COVERED PRESCRIPTION DRUGS UNDER MEDI-CARE PARTS B AND D.

"(a) In General.—In no case may the amount of payment for a drug or biological under part B or a covered part D drug (as defined in section 1860D–2(e)) under a prescription drug plan under part D exceed the lower of the following:

"(1) The amount paid to procure the drug through the Federal Supply Schedule of the General Services Administration.

"(2) The amount paid to procure the drug under the laws administered by Veterans Affairs.

"(b) Manufacturer Requirement.—In order for coverage to be available under part B for a drug or biological of a manufacturer or under part D for a covered part D drug of a manufacturer, a manufacturer must agree to provide such drug or biological to providers of services and suppliers under part B or under a covered part D drug prescription drug plan under part D for an amount that does not exceed the maximum payment amount applicable under subsection (a)."

(Signed to printer by S. Congress 117th Congress 2nd Session)

THE SECRETARY OF VETERANS AFFAIRS AND THE ADMINISTRATOR OF GENERAL SERVICES SHALL PROVIDE...
to the Secretary of Health and Human Services the information described in paragraphs (1) and (2), respectively, of subsection (a) and such other information as the Secretary of Health and Human Services may request in order to carry out this section.

"(d) EFFECTIVE DATE.—This section shall apply with respect to drugs furnished or dispensed on or after January 1, 2023.

(b) CONFORMING AMENDMENTS.—

(1) APPLICATION UNDER PART B.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended by adding at the end of such section the following new subsection:

"(e)'' and inserting ''(e), and (i)''.

SEC. 11501. INTERIM DENTAL PROGRAM.

PART 6—MEDICARE COVERAGE OF DENTAL AND ORAL HEALTH CARE, HEARING CARE, AND VISION CARE

Subpart A—Medicare Coverage

SEC. 11501. INTERIM DENTAL PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end of chapter 33 of title 31, United States Code, and subchapter IV of chapter 33 of title 31, United States Code.

(ii) REQUIREMENT.—Notwithstanding the provisions of section 1(d) of Executive Order 13681, cards issued under paragraph (1)(B) shall be magnetic stripe-only cards that do not utilize chip and PIN technology.

(c) REQUIREMENT.—Notwithstanding the provisions of section 1(d) of Executive Order 13681, cards issued under paragraph (1)(B) shall be magnetic stripe-only cards that do not utilize chip and PIN technology.

SEC. 11502. COVERAGE OF DENTAL AND ORAL HEALTH CARE

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking "and" after the semicolon at the end;

(2) in subparagraph (HH), by striking the period at the end and adding "; and"; and

(3) by adding at the end the following new subparagraph:

"(II) dental and oral health services (as defined in subsection (l));"

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x(a)) is amended by adding at the end the following new subsection:

"(I) dental and oral health services (as defined in subsection (l));"

(c) PREVENTIVE AND SCREENING SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking "and" after the semicolon at the end;

(2) in subparagraph (HH), by striking the period at the end and adding "; and"; and

(3) by adding at the end the following new subparagraph:

"(II) dental and oral health services (as defined in subsection (l));"
tooth extractions, therapeutic pulpotomy, and other related items and services.

(3) DENTURES.—Dentures and implants including related items and services.

(2) ORAL HEALTH SERVICES.—Such term does not include items and services for which, as of the date of the enactment of this subsection, coverage was permissible under section 1862(a)(2) and cosmetic services not otherwise covered under section 1862(a)(10).

(3) ORAL HEALTH PROFESSIONAL.—The term ‘oral health professional’ means, with respect to dental health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish dental services in accordance with the scope of such license, by the State in which such services are furnished.

(c) PAYMENT; COINSURANCE; AND LIMITATIONS.

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 11011, is amended—

(A) in subparagraph (N), by inserting “and oral health services (as defined in section 1861(lll))’’ after “section 1861(hhh)(1))’’;

(B) by striking “and” before “(EE)” and by striking the semicolon at the end of the following: “and (FF) with respect to dental and oral health services (as defined in section 1861(lll))’’;

(C) by inserting the following before “and (EE)”:

(1) THE SECRETARY.—The Secretary shall, to the extent necessary and subject to subparagraph (1), adjust the amounts determined under the fee schedule established under this paragraph (the ‘‘fees’’) and subsequent to account for changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

(2) ORAL HEALTH PROFESSIONAL.—For purposes of this section, the fee schedule amount for a year shall not cause the amount of expenditures under this part for a year to differ by more than $20,000,000 from the amounts of expenditures under this part that would have been made if such adjustments had not been made.

(3) LIMITATIONS.—With respect to dental and oral health services that are preventive and screening services described in subparagraph (1)(A) of section 1861(lll)’’.

(4) INCLUSION OF ORAL HEALTH PROFESSIONALS.—In the case of dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as described in section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10), an oral health professional (as defined in section 1861(lll)(3)) who predominately furnishes such services under this part in an area that is designated by the Secretary (under section 332(a)(1) of the Public Health Service Act) as a health professional shortage area, in addition to the amount of payment that would otherwise be made for such services (as described in subsection (r)(2) of this section), there also shall be paid an amount equal to 10 percent of the amount of payment made for the part for an individual enrolled under this part in the same manner as such provisions apply with respect to a physician’s services.

(5) LIMITATION ON BENEFICIARY LIABILITY.—The provisions of section 1866(b) shall apply to a nonparticipating doctor of dental surgery or of dental medicine (as described in section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10) who does not accept payment on an assignment-related basis for dental and oral health services furnished with respect to an individual enrolled under this part in the same manner as such provisions apply with respect to a physician’s services.

(d) ESTABLISHMENT OF DENTAL ADMINISTRATOR.—The Secretary shall designate one or more (not to exceed 4) Medicare Advantage plans (as described in section 1877(a)(1)) of the Public Health Service Act as a dental administrator for the purposes of this section (including the determination of payments under this part in that manner as such provisions apply with respect to a physician’s services.

(2) ESTABLISHMENT OF DENTAL ADMINISTRATOR.—The Secretary shall designate one or more (not to exceed 4) Medicare Advantage plans (as described in section 1877(a)(1)) of the Public Health Service Act as a dental administrator for the purposes of this section (including the determination of payments under this part in that manner as such provisions apply with respect to a physician’s services.

(3) DENTAL AND ORAL HEALTH SERVICES.—The Secretary shall, to the extent necessary and subject to subparagraph (A), adjust the amounts determined under the fee schedule established under this paragraph (the ‘‘fees’’) and subsequent to account for changes in dental practice, coding changes, new data on work, practice, or malpractice expenses, or the addition of new procedures.

(4) INCLUSION OF ORAL HEALTH PROFESSIONALS.—In the case of dental and oral health services furnished by a doctor of dental surgery or of dental medicine (as described in section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10), an oral health professional (as defined in section 1861(lll)(3)) who predominately furnishes such services under this part in an area that is designated by the Secretary (under section 332(a)(1) of the Public Health Service Act) as a health professional shortage area, in addition to the amount of payment that would otherwise be made for such services (as described in subsection (r)(2) of this section), there also shall be paid an amount equal to 10 percent of the amount of payment made for the part for an individual enrolled under this part in the same manner as such provisions apply with respect to a physician’s services.

(5) LIMITATION ON BENEFICIARY LIABILITY.—The provisions of section 1866(b) shall apply to a nonparticipating doctor of dental surgery or of dental medicine (as described in section 1862(a)(12) and cosmetic services not otherwise covered under section 1862(a)(10) who does not accept payment on an assignment-related basis for dental and oral health services furnished with respect to an individual enrolled under this part in the same manner as such provisions apply with respect to a physician’s services.
(A) in subparagraph (O), by striking "and" at the end;
(B) in subparagraph (P), by striking the semicolon at the end and inserting ";", and;
(C) by adding at the end the following new subparagraph:
(Q) in the case of dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)";
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)(4)(B)) that are furnished to federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such section, establish rates payable for such services under the payment basis established under section 1948 until such time as the Secretary determines that such services provide care predominantly to other than such dental and oral health services under system such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848.
(E) IMPLEMENTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2023.
SEC. 11503. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.
(a) PROVISION OF AUDIOMETRY SERVICES BY QUALIFIED AUDIOLOGISTS AND HEARING AIR EXAMINATION SERVICES BY QUALIFIED HEARING AID PROFESSIONALS.—
(i) in general.—Section 1861(aa) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 11502, is amended by adding at the end the following new clause:
(II) in clause (i), as added by subclause (I) at the end of subparagraph (E), by striking "audiology" and inserting "speech-language pathology";
(III) by adding at the end the following new clause:
(F) BONUS PAYMENTS FOR CERTAIN SERVICES.—A proposed price for a service described in paragraph (3)(A)(ii) of section 1848 shall be decreased by 20 percent if the service is furnished by a qualified hearing aid professional.
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"(6) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section.
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment shall be made under part B for dental and oral health services that are covered under section 1861(e)(2)(II)");
(1) INCLUSION AS EXCEPTED MEDICAL TREATMENT.—Section 1821(b)(5)(A)(ii) of the Social Security Act (42 U.S.C. 1395b(5)(A)(ii)), as added by section 11501(d), is amended—
(i) by striking "or hearing aids" and inserting "hearing aids"; and
(ii) by adding ";" at the end;
(B) in subparagraph (C), by inserting "and" after the comma at the end; and
(C) in subparagraph (C) after subparagraph (C) the following new subparagraph:
(D) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for dental and oral health services (as defined in section 1861(lll)) for which a limitation is applicable under section 1834(a)(3), which are furnished more frequently than is provided under such section;
“(i) not more than once per ear during a 5-year period;

“(ii) only for types of such hearing aids that are determined appropriate by the Secretary;

“(iii) only if furnished pursuant to a written order of a physician, qualified audiologist, or clinical nurse specialist.

“(B) CLARIFYING COVERAGE.—In this subsection:

“(i) HEARING AIDS.—The term ‘hearing aid’ means the item and related services described in segmentation, fitting, adjustment, and patient training.

“(ii) QUALIFIED HEARING AID SUPPLIER.—The term ‘qualified hearing aid supplier’ means—

“(I) a qualified audiologist;

“(II) a physician (as defined in section 1861(r)(1));

“(III) a physician assistant, nurse practitioner, or clinical nurse specialist;

“(IV) a qualified hearing aid professional (as defined in subsection (a)(4)(C)); and

“(V) other suppliers as determined by the Secretary.

“(3) APPLICATION OF COMPETITIVE ACQUISITION.—

“(A) IN GENERAL.—Section 1834(h)(1)(B) of the Social Security Act (42 U.S.C. 1395m(h)(1)(B)) is amended—

“(1) in the heading, by inserting ‘AND HEARING AIDS’;

“(2) by adding at the end the following new subparagraph:

“(B) QUALIFIED HEARING AID PROFESSIONALS.—Subsection (a)(1) of section 1861(a)(1) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting ‘(including audiology services (as defined in subsection (l)(3)))’ after ‘physician’s services’.

“(C) INCLUSION OF QUALIFIED AUDIOLINGUDS AND QUALIFIED HEARING AID PROFESSIONALS.—Subsection (a)(2) of section 1861(a)(1) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting ‘(or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (l)))’ after ‘(as defined in subsection (hh)(1))’.

“(D) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE MEDICARE PART B PAYMENT SYSTEM.—(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by section 11502(g), is amended—

“(1) in subsection (a)(3)(A), by inserting ‘and audiology services (as defined in section 1861(l)(3))’ after ‘(as defined in section 1861(1))’; and

“(2) in subsection (e), by inserting ‘and audiology services (as defined in section 1861(l)(3))’ after ‘(as defined in section 1861(1))’.

“(B) PPS.—Section 1834(o)(5) of the Social Security Act (42 U.S.C. 1395ww) is amended by section 11502(h), is amended—

“(1) in the first sentence, by inserting ‘and audiology services (as defined in section 1861(l)(3))’ after ‘(as defined in section 1861(l))’;

“(2) in the second sentence, by inserting ‘and such audiology services’ after ‘such dental and oral services’;

“(2) IMPLEMENTATION FOR 2019 THROUGH 2025.—The Secretary of Health and Human Services shall implement the provisions of—

“(A) IN GENERAL.—With respect to conventional eyeglasses, if furnished on or after January 1, 2023, subject to subparagraph (B), payment shall be made under this part for one pair of conventional eyeglasses (including lenses and the frame).

“(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, payment shall be made under this part for one pair of conventional eyeglasses (including lenses and the frame).

“(C) NO COVERAGE OF CERTAIN ITEMS.—Payment shall not be made under this part for deluxe eyeglasses or conventional reading glasses.

“(D) APPLICATION OF COMPETITIVE ACQUISITION.—(A) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended by adding at the end the following new subparagraph:

“(JJ) vision services (as defined in subsection (m)))

“(B) VISION SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(n) VISION SERVICES.—The term ‘vision services’ means routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination, furnished on or after January 1, 2023, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations or procedures (as applicable) under State (or the State regulatory mechanism provided by State law) of the State in which the examinations or procedures are furnished.

“(C) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395w) is amended by section 11502(c), is amended by adding at the end the following new subsection:

“(J) PAYMENT LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in subsection (m)) and an individual, payment shall be made under this part for only one eye examination in such subsection during a 2-year period.

“(D) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1842 of the Social Security Act (42 U.S.C. 1395w–4(a)(3)), is amended by striking ‘(2)(J),’ before ‘(3).’

“(E) COVERAGE OF CONVENTIONAL EYEGlasses.—Section 1833 of the Social Security Act (42 U.S.C. 1395w–4(a)(3)), as amended by section 11503(b), is amended by striking ‘and not furnished subsequent to such a surgery, if furnished on or after January 1, 2023,’ and inserting ‘and not furnished subsequent to such a surgery, if furnished on or after January 1, 2023,’

“(F) SPECIAL PAYMENT RULES FOR EYEGLASSES.—(A) IN GENERAL.—With respect to conventional eyeglasses furnished to an individual on or after January 1, 2023, subject to subparagraph (B), payment shall be made under this part only during a 2-year period, for one pair of eyeglasses (including lenses and the frame).

“(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, payment shall be made under this part for one pair of conventional eyeglasses (including lenses and the frame).
(ii) by striking "or of hearing aids" and inserting "of hearing aids";

(iii) by inserting "‘or of eyeglasses described in paragraph (2)(E) of such section,’; and

(iv) in clause (i), by striking "‘or such hearing aids’ and inserting ‘, such hearing aids, or such eyeglasses’.

(B) CONFORMING AMENDMENT.—Section 1847(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w-3(a)(2)), as amended by section 11502(e), is amended by adding at the end the following new subparagraph:

"(E) EYEGLASSES.—Eyeglasses described in section 1861(e)(8) for which payment would otherwise be made under section 1847(a)(2)(E).

(C) IMPLEMENTATION.—Section 1847(a) of the Social Security Act (42 U.S.C. 1395w-3(a)), as amended by section 11503(b), is amended by inserting at the end the following new subparagraph:

"(E) EYEGLASSES.—Eyeglasses described in section 1861(e)(8) for which payment would otherwise be made under section 1847(a)(2)(E)."

(P) PS.—Section 1847(o)(5) of the Social Security Act (42 U.S.C. 1395w-3(m)), as added by section 11502(g) and amended by section 11503(e), is amended—

(i) in the first sentence—

(A) by striking "‘or audiology’ and inserting ‘, audiology’; and

(B) by inserting ‘, and vision services (as defined in section 1861(mmm))’ after ‘(as defined in section 1861(l)(3)).’

(ii) in the second sentence, by striking ‘such audiology services and such vision services’.

(J) EXPEDITING IMPLEMENTATION.—The Secretary shall implement this section for the period beginning on January 1, 2022, and ending on December 31, 2024, through program instruction or other forms of program guidance.

(K) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of implementing the amendments made to section 1847(a) of the Social Security Act during the period beginning on January 1, 2022, and ending on September 30, 2023.

SEC. 11505. PHASE-IN OF IMPACT OF DENTAL AND ORAL HEALTH COVERAGE ON PART B PREMIUMS.

Section 1833(a) of the Social Security Act (42 U.S.C. 1395w-3(a)) is amended—

(1) in the second sentence of paragraph (1), by striking and inserting ‘‘(7)’’; and

(2) in paragraph (3), by striking ‘‘The Secretary and inserting ‘‘Subject to paragraph (8)’’.

(3) by adding at the end the following:

‘‘(8) Special Rule.—For each year beginning after 2022 and before 2028:

(A) ALTERNATIVE MONTHLY ACTUARIAL RATE.—For each year beginning after 2022 and before 2028:

(i) for 2025, 75 percent.

(ii) for 2026, 75 percent.

(iii) for 2027, 75 percent.

(iv) for 2028, 75 percent.

(C) APPLICATION TO PART B PREMIUM AND OTHER PROVISIONS OF THIS PART.—For each of 2025 through 2028, the Secretary shall use the alternative monthly actuarial rate for enrollees age 65 and over for the year determined under subparagraph (A), in lieu of the monthly actuarial rate for such enrollees for the year determined according to paragraph (1), to determine the monthly premium rate for the year under paragraph (3) and subsection (j), the part B deductible under subsection (b)(3), and the premium subsidy and the monthly adjustment amount under section (1).’’.

Subpart B—Tax Provisions

SEC. 11511. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1411 of the Internal Revenue Code of 1986 is amended by adding after the last sentence of the section

‘‘(f) APPLICATION TO CERTAIN HIGH INCOME INDIVIDUALS.—

‘‘(1) IN GENERAL.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting ‘the greater of specified net investment income or net unrealized appreciation’ for ‘net investment income’ in subparagraph (A) thereof.

‘‘(2) PHASE-IN OF INCREASE.—The increase in the tax imposed under subsection (a)(1) by reason of the application of paragraph (1) of this subsection shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this paragraph) as—

‘‘(A) the excess described in paragraph (1), bears to

‘‘(B) $100,000 (½ such amount in the case of a married taxpayer (as defined in section 7703) filing a separate return).

‘‘(c) high income threshold amount.—For purposes of this subsection, the term ‘high income threshold amount’ means—

‘‘(a) except as provided in subparagraph (B) or (C), $300,000,

‘‘(B) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $500,000, and

‘‘(C) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (A) thereof.

‘‘(d) SPECIFIED NET INCOME.—For purposes of this section, the term ‘specified net income’ means net investment income determined—

‘‘(A) without regard to the phrase ‘other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),’ in subsection (c)(1)(A).

‘‘(B) without regard to the phrase ‘described in paragraph (2)’ in subsection (c)(1)(B).

‘‘(C) without regard to the phrase ‘other than property held in a trade or business not described in paragraph (2)’ in subsection (c)(1)(C).

‘‘(D) without regard to paragraphs (2), (3), and (4) of subsection (c), and

‘‘(E) by treating paragraphs (5) and (6) of subsection (c) (determined without regard to the phrase ‘To the extent provided in regulations,’ in such paragraph (6)) as applying for purposes of subsection (c) of this section.’’.

(b) APPLICATION TO TRUSTS AND ESTATES.—Section H111(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “distributed net investment income” and inserting “the greater of undistributed specified net income or undistributed net investment income”.
SEC. 11513. RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(a) RE-ESTABLISHMENT OF 39.6 PERCENT RATE BRACKET.—

(1) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(j)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last two rows and inserting the following:

<table>
<thead>
<tr>
<th>Bracket</th>
<th>Rate</th>
<th>Excess over</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 - $12,500</td>
<td>10%</td>
<td>$0</td>
</tr>
<tr>
<td>$12,500 - $31,500</td>
<td>15%</td>
<td>$12,500</td>
</tr>
<tr>
<td>$31,500 - $80,500</td>
<td>28%</td>
<td>$31,500</td>
</tr>
<tr>
<td>$80,500 - $161,375</td>
<td>31%</td>
<td>$80,500</td>
</tr>
<tr>
<td>$161,375 - $221,700</td>
<td>35%</td>
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<tr>
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</tr>
<tr>
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<td>39.6%</td>
<td>$12,500,000</td>
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</tbody>
</table>

(b) APPLICATION OF ADJUSTMENTS.—Section 1(i)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) ADJUSTMENTS.—For taxable years beginning after December 31, 2022, the Secretary shall prescribe tables which shall apply in lieu of the tables contained in paragraph (2) in the same manner as under paragraphs (a) and (b) of subsection (f) (applied without regard to clauses (i) and (ii) of subsection (f)(2)(A)), except that in prescribing such tables—

(A) except as provided in subparagraph (B), subsection (f)(3) shall be applied by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

(B) in the case of any taxpayer described in section 1(j)(1)(C)(ii), except that the Secretary shall adjust the dollar amounts at which the 39.6 percent rate bracket begins (other than such dollar amount in paragraph (2)(B))—

(i) no adjustment shall be made for taxable years beginning after December 31, 2022, and before January 1, 2024, and

(ii) in the case of any taxable year beginning after December 31, 2022, subsection (f)(3) shall be applied by substituting ‘calendar year 2022’ for ‘calendar year 2021’.

(C) subsection (f)(7)(B) shall apply to any unmarried individual other than a surviving spouse, and

(D) subsection (f)(8) shall not apply.

(c) MODIFICATION TO 39.6 PERCENT RATE BRACKET.—For purposes of this paragraph, the term ‘39.6 percent rate bracket threshold’ means—

“(A) in the case of any taxpayer described in subsection (a), $450,000,

“(B) in the case of any taxpayer described in subsection (b), $125,000,

“(C) in the case of any taxpayer described in subsection (c), $400,000, and

“(D) in the case of any taxpayer described in subsection (d), $225,000.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect after December 31, 2022.

SA 5212. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 50171. DEPARTMENT OF ENERGY OVER-SIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2023 for the operations of the Department of Energy not otherwise appropriated, $258,000,000, to remain available through September 30, 2023, for oversight by the Department of Energy Oversight and Government Reform Subcommittee of the Committee on Energy and Commerce of the House of Representatives.
SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED HOMICIDE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for enforcement, detention, and removal operations relating to illegal aliens who have committed homicide offenses in the United States.

SA 5215. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY RAPE OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony rape offenses in the United States.

SA 5216. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED FELONY CRIMINAL OFFENSES IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5217. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through “$3,000,000,000” on line 10, and insert the following:

SEC. 70002. FUNDING FOR THE DEPORTATION AND REMOVAL OF ILLEGAL ALIENS WHO HAVE COMMITTED SEXUAL OFFENSES AGAINST MINORS IN THE UNITED STATES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed sexual offenses involving minors in the United States.

SA 5218. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70002 and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for:

1. Procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry; and
2. Salaries and expenses relating to U.S. Customs and Border Protection’s technology for detecting drugs and drug contraband entering the United States at or between ports of entry.

UN. In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for:

a. Clean fleet operations and support for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5219. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through “$3,000,000,000” on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; IMMIGRATION ENFORCEMENT, DETENTION, AND REMOVAL; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until expended, for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support for enforcement, detention, and removal operations relating to illegal aliens who have committed felony criminal offenses in the United States.

SA 5220. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 717, strike line 3 and all that follows through “$3,000,000,000” on line 10, and insert the following:

SEC. 70002. DRUG INTERDICTION ALONG BORDER; UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for:

(1) Procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry;

(b) In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until expended, for:

(1) Procurement, construction, and improvements for technology that has been authorized by U.S. Customs and Border Protection to detect drug contraband entering the United States at or between ports of entry; and

(2) Salaries and expenses relating to U.S. Customs and Border Protection’s technology for detecting drugs and drug contraband entering the United States at or between ports of entry.

SA 5221. Mr. HAGERTY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70006 and insert the following:

SEC. 70006. FEDERAL EMERGENCY MANAGEMENT AGENCY BUILDING MATERIALS PROGRAM.

(a) In General.—The Administrator of the Federal Emergency Management Agency may provide financial assistance in accordance with sections 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(h), 5170c(a), 42 U.S.C. 5170c(a), 42 U.S.C. 5170c(a), 42 U.S.C. 5170c(a), 42 U.S.C. 5170c(a), 42 U.S.C. 5170c(a)) for:

(1) Costs associated with the construction of a border wall or barrier between Mexico and the United States; and

(2) Costs associated with the construction or maintenance of detention facilities for illegal aliens awaiting deportation.

(b) Sunset.—This section shall cease to be effective after September 30, 2023.

SA 5222. Mr. TUBERVILLE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5222. SENSE OF THE SENATE ON THE IMPORTANCE OF THE ENERGY INDEPENDENCE OF THE UNITED STATES.

It is the sense of the Senate that:

(1) The United States is stronger when the United States is energy independent; and

(2) All applicable Federal agencies should continue to carry out activities with respect to oil and gas leases, drilling, refining, and pipelines in order for the United States to become an energy independent nation.

SA 5223. Mr. PORTMAN submitted an amendment intended to be proposed by
him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 70005. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget, for fiscal year 2022, out of any money in the Treasury, not otherwise appropriated, $23,000,000, to remain available until September 30, 2026, for necessary expenses to:

(1) oversee the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 70006. UNIFORM APPLICATION PROCESS FOR FEDERAL GRANTS.

In addition to amounts otherwise available, there are appropriated to the Director of the Office of Management and Budget, for fiscal year 2022, out of any money in the Treasury, not otherwise appropriated, $23,000,000, to remain available until September 30, 2026, for necessary expenses to develop a uniform application process for Federal research grants that requires researchers associated with a proposed project that may receive a Federal grant to disclose—

(1) biographical information;

(2) all affiliations, including affiliations with any foreign institution; and

(3) all current and pending support, including support from any foreign institution, foreign government-related organization, or foreign-funded institution;

(4) any past support received from foreign sources.

SA 5224. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 70001. FUNDING FOR NARCOTIC AND OPIOID DETECTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Homeland Security, for the fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,000,000, to remain available until September 30, 2027, to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(b) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used to:

(1) to train users on the equipment described in subsection (a);

(2) to provide directors of ports of entry and any other appropriate agency described in subsection (b)(2), to acquire, deploy, operate, and maintain nonintrusive inspection capabilities, including chemical screening devices, to identify, in an operational environment, synthetic opioids and other narcotics at purity levels that are not more than 10 percent.

(c) USE OF FUNDS.—Amounts appropriated under subsection (a) may also be used to:

(1) to train users on the equipment described in subsection (a); and

(2) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

SA 5225. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. REGULATORY REFORM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY RRO.—The term "agency RRO" means the Regulatory Reform Officer of an agency designated under subsection (b)(1).

(3) COSTS.—The term "costs" means opportunity cost to society.

(4) COST SAVINGS.—The term "cost savings" means the cost imposed by a regulatory action that is eliminated by the repeal, replacement, or modification of the regulatory action.

(b) ESTABLISHMENT OF AGENCY TASK FORCE; MEMBERSHIP.—Except as provided in sub- section (e), not later than 60 days after the date of enactment of this Act, the head of each agency shall appoint and may remove members to the regulatory reform task force of the agency, which shall be composed of the following members:

(i) The agency RRO.

(ii) A senior agency official from each relevant component or office of the agency with significant authority for issuing or repealing regulatory actions.

(iii) Additional senior agency officials involved in the development of rulemaking or other regulatory action at the agency, as determined by the head of the agency.

(iv) Chair.—Unless designated by the head of the agency, the agency RRO shall chair the Task Force of the agency.

(c) Joint task force.

(i) IN GENERAL.—For the consideration of a joint rulemaking, the Director may form a joint regulatory reform task force composed of not less than 1 member from the Task Force of each relevant agency.

(ii) CONSULTATION.—Any joint regulatory task force formed under this paragraph shall consult with each relevant Task Force.

(d) DUTIES.—Each Task Force shall:

(i) conduct ongoing evaluations of regulations and other regulatory actions and make recommendations that are consistent with and that could be implemented in accordance with applicable law to the head of the agency regarding repeal, replacement, or modification of regulations and regulatory actions; and

(ii) to the extent practicable—

(A) eliminate or have eliminated jobs or inhibit or have inhibited job creation;

(B) are outdated, unnecessary, or ineffective;

(c) impose costs that exceed benefits;

(d) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(e) are maintained in a manner that is inconsistent with the requirements of section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that section, includ- ing any rule that relies in whole or in part on data, information, or methods that are insufficiently transparent to meet the standard for reproducibility; or

(f) were made pursuant to or to implement statutes that are inconsistent with the other Presidential directives that have been subsequently rescinded or substantially modified.
(3) Consultation with stakeholders.—In performing the tasks under this subsection, each agency RRO and Task Force—
(A) shall seek input and other assistance from the public, from entities significantly affected by regulations, including State, local, and Tribal governments, small businesses, consumers, non-governmental organizations, and trade associations; and
(B) may—
(i) incorporate specific suggestions from stakeholders in identifying the list of deregulatory actions to recommend to the head of the agency; and
(ii) accept or solicit input from the public in any manner.
(i) the process is transparent to the public and Congress;
(ii) a list of each meeting, a list of each stakeholder that submitted a comment, and a copy of each written comment are made publicly available online; and
(iii) the Task Force issues a public notice of any public meeting to solicit input not less than 7 days before the public meeting and makes detailed minutes of the meeting available online not less than 7 days after the date of the meeting.
(4) Transparent Regulatory Reform.—
(A) Website.—To the extent practicable, the head of each agency shall publish information on the website of the agency and other regulatory reform initiatives on the website of the agency—
(i) which shall include—
(I) the process is transparent to the public; and
(ii) a list of each meeting, a list of each stakeholder that submitted a comment, and a copy of each written comment are made publicly available online; and
(iii) the Task Force issues a public notice of any public meeting to solicit input not less than 7 days before the public meeting and makes detailed minutes of the meeting available online not less than 7 days after the date of the meeting.
(B) Agency Submissions.—In accordance with guidance issued by the Director and not less than 60 days before each date of publication for the unified regulatory agenda under subparagraph (A), the head of each agency shall submit to the Director an agenda of all regulatory actions and deregulatory actions under development at the agency, including the following:
(i) For each regulatory action and deregulatory action:
(II) an online forum to receive comments on the action,
((III) a link to or copy of each notice of a significant regulatory action:
(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall establish the annual Federal Regulatory Budget.
(B) Updates to Guidance.—The Director shall update the guidance issued pursuant to this subsection as necessary.
(C) Identification of significant regulatory costs.—If the Director does not set a net increment of incremental regulatory costs allowed for an agency, the net incremental regulatory cost allowance shall be zero.
(D) Balance Rollover of Incremental Regulatory Cost Allowance.—The Director shall identify the total carryover incremental regulatory cost allowance available to an agency in the Federal Regulatory Budget.

(3) Significant Regulatory Action Requirements.—Except as otherwise required by law, a significant regulatory action shall have no effect unless—
(A) the—
(i) head of the agency identifies not less than 2 deregulatory actions to offset the costs of the significant regulatory action, and to the extent feasible, issues those deregulatory actions on the same schedule as the significant regulatory action;
(ii) incremental costs of the significant regulatory action and the costs of any deregulatory action issued before or on the same schedule as the significant regulatory action do not cause the agency to exceed or contribute to the agency exceeding the incremental regulatory cost allowance of the agency for that fiscal year; and
(iii) significant regulatory action was included on the most recent version or update of the published unified regulatory agenda; or
(B) the issuance of the significant regulatory action was approved in advance by the Director and the written approval is publicly available online prior to the issuance of the significant regulatory action.

(4) Guidance by OMB.—
(A) In General.—Not later than 90 days after the date of enactment of this Act, the Director shall establish and issue guidance on how agencies should comply with the requirements of this subsection, which shall include the following:
(i) A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions.
(ii) Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification.
(iii) A process for accounting for costs in different fiscal years.

(B) Methods to overcome the issuance of significant regulatory actions offset by cost savings achieved at different times or by different agencies.
(C) Emergencies and other circumstances that may justify individual waivers of the requirements of this section.

(5) Standards for determining whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

(6) Updates to guidance.—The Director shall update the guidance issued pursuant to this subsection as necessary.
SA 5226. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. GAO REPORT ON INFLATIONARY IMPACT TO MOUNTAIN WEST STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall—

(1) conduct a review of any inflationary impact of this Act on taxpayers with an annual income of not more than $400,000 in applicable States for each of fiscal years 2022 through 2025; and

(2) not later than April 1, 2026—

(A) publish a report on such review; and

(B) submit such report to—

(i) the congressional delegation of each applicable State; and

(ii) the governor of each applicable State.

(b) APPLICABILITY.—For purposes of this section, the term “applicable State” means Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

SA 5227. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 11 through 16, and insert “oversight of the distribution and use of funds appropriated under this Act.”

SA 5228. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle A of title V, add the following:

SEC. 10112. PERMITTED AND APPROVED ENERGY PROJECTS.

Notwithstanding any other provision of this Act, no funds provided under this Act or an amendment made by this Act shall be used to block, delay, or restrict any energy project that is permitted and approved as of the date of enactment of this Act.

SA 5229. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 3. MODIFICATIONS TO EDUCATOR EXPENSE DEDUCTION.

(a) IN GENERAL.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D)—

(A) in the heading, by adding “and other instructional school personnel,” at the end and

(B) in clause (i)—

(i) by striking “other than nonathletic supplies for courses of instruction in health or physical education,” and

(ii) by striking “in the classroom” and inserting “as part of instructional activity,” and

(2) in subsection (d)(1)(A), by inserting “interscholastic sports administrator or coach,” after “counselor,”.

(b) EDUCATOR EXPENSE DEDUCTION TO INCLUDE EARLY CHILDHOOD EDUCATORS.—Section 62 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a)(2)(D), by striking “ELEMENTARY AND SECONDARY” in the heading and inserting “EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY”;

(2) in subsection (d)(1)(A), by striking “kindergarten through grade twelve teacher” and inserting, “early childhood or kindergarten through grade twelve teacher, educator;” and

(3) in subsection (d)(1)(B), by striking “elementary education or secondary education” and inserting “early childhood education (through pre-kindergarten) or elementary or secondary education.”

(c) INCREASE IN DEDUCTION AMOUNT.—

(1) IN GENERAL.—Section 62(a)(2)(D) of the Internal Revenue Code of 1986 is amended by striking “$250” and inserting “$500”.

(2) CONFORMING AMENDMENTS.—Section 62(d)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking “2015” and inserting “2025”,

(B) by striking “$250” and inserting “$500”, and

(C) by striking “calendar year 2014” and inserting “calendar year 2022”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses incurred in taxable years beginning after December 31, 2022.

SA 5223. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 1. EXCLUSION FOR INCOME RECEIVED UNDER SEXUAL ABUSE AWARDS.

(a) IN GENERAL.—Section 104(a)(2) of the Internal Revenue Code of 1986 is amended by inserting “or on account of sexual abuse” after “physical abuse”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2022.

SEC. 2. EXCLUSION FROM FEDERAL INCOME TAXATION RESTITUTION AND CIVIL DAMAGES AWARDED UNDER SECTIONS 1593 AND 1595 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986, as amended by section 9501(b)(4) of the American Rescue Plan Act of 2021 (Public Law 117-2), is amended by inserting before section 140 the following new section:

“SEC. 139J. CERTAIN AMOUNT RECEIVED AS RESTITUTION OR CIVIL DAMAGES AS RECOMPENSE FOR TRAFFICKING IN PERSONS.

“Gross income shall not include any civil damages, restitution, or other monetary award (including compensatory or statutory damages and restitution imposed in a criminal matter) awarded—

(1) pursuant to an order of restitution under section 1593 of title 18, United States Code, or

(2) in an action under section 1595 of title 18, United States Code;”

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting before the item relating to section 140 the following new item:

“Sec. 139J. Certain amount received as restitution or civil damages as recompense for trafficking in persons.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.
On page 370, strike line 6 and insert the following:

(G) and (H) of paragraph (1).

"(7) INFORMATION SUBMITTED BY QUALIFIED MANUFACTURERS.—For purposes of paragraph (3), the Secretary may not require the reports described in such paragraph to include any information that could only be provided by a manufacturer operating under a collective bargaining agreement.

SA 5235. Mr. MARSHALL submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike section 30001 of the amendment.

SA 5256. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5.-DENIAL OF TAX BENEFITS FOR ORGANIZATIONS THAT PERFORM OR FINANCE ABORTIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(8) PROHIBITION ON PERFORMING OR FINANCING ABORTION.—

"(1) in general.—Any organization exempt from tax under this chapter shall not perform, provide facilities to perform, provide travel for the provision of, or finance abortions. Any organization shall not be allowed under this section for a gift to or for the use of any organization which does not meet the requirements of section 501(a)."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to abortions performed in taxable years ending after the date of the enactment of this Act.

(2) ESTATE TAX.—The amendments made by subsection (b)(2) shall apply to estates of decedents dying, and transfers, after the date of the enactment of this act.

SA 5237. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike section 6501.

SA 5238. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 1, and all that follows through page 693, line 4, and insert the following:

"(1) $17,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(2) $17,000,000 for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(3) $17,000,000 for outreach and technical assistance to State, Tribal, and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from electricity generation and use;

(4) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal 2031; and

(5) $18,000,000 to carry out this section to ensure that reductions in greenhouse gas emissions from domestic electricity generation and use are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (4) as a baseline.

SA 5239. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008.—PROTECTING THE RIGHT TO KEEP
AND BEAR ARMS.

(a) LIMITATION ON DECLARATIONS BY PRESIDENT.—The President (or any designee thereof) shall not, for the purpose of confiscating firearms or ammunition magazines, or prohibiting or otherwise regulating the possession, manufacture, sale, or transfer of firearms or ammunition magazines, declare an emergency pursuant to the National Emergencies Act (50 U.S.C. 1621 et seq.) or an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SA 5240. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

15 ADDITIONAL PERSONNEL FLEXIBILITY.—The Secretary of the Treasury (or the Secretary's delegate) shall use the funds made available under subsection (a)(1)(A), subject to the direction of the Secretary (or the Secretary's delegate) may establish, to ensure the effective administration of the Internal Revenue Code of 1986 by suspending the granting of official time to employees of the Internal Revenue Service during the periods during each of fiscal years 2022 through 2031:

(1) beginning on February 12 and ending on May 5; and

(2) beginning on September 1 and ending on November 1.

SA 5241. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 4, and insert the following:

"(5) $1,000,000 to assess, not later than 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

SA 5242. Mr. BRAUN submitted an amendment intended to be proposed to amendment S 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:
On page 259, after line 20, insert the following:

"(iii) REGISTERED APPRENTICESHIP PROGRAM.—The term 'registered apprenticeship program' shall include any industry-recognized apprenticeship program under the Act of August 16, 1937 that meets the standards of subpart B of part 29 of title 29, Code of Federal Regulations in effect on the day before the date of enactment of this Act.

SA 5243. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle F—Other Matters

SEC. 60001. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5244. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle E—Other Matters

SEC. 24001. UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS.

The United Nations Sustainable Development Goals shall not be used in developing or administering any program funded or established by this title or the amendments made by this title.

SA 5245. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S; which was ordered to lie on the table; as follows:

At the end of part 7 of subtitle A of title V of the amendment, add the following:

SEC. 50174. NUCLEAR WASTE MANAGEMENT AT HANFORD SITE.


(1) in subsection (d), by adding at the end the following paragraph:

"(3) The State of Washington.");

(2) in subsection (e)(2), by striking "the State of Washington" and inserting "the State of Oregon"; and

(3) by adding at the end the following subsection:

"(f) WASTE MANAGEMENT AT HANFORD SITE.—If the Secretary, in consultation with the Commission, classifies any residual radionuclide tank at the Hanford Site, Richland, Washington, as other than high-level waste under this section, the Secretary may not remove such tank; and such waste with grout or another immobilizing substance, as the Secretary determines appropriate.

SA 5246. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 70008. SALE OF ADVERTISEMENTS BY UNITED STATES POSTAL SERVICE ON DELIVERY VEHICLES.

The United States Postal Service shall raise revenue by selling non-political advertisement space on delivery vehicles purchased using amounts appropriated under section 70002.

SA 5247. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

In section 21001(a)(1)(B), strike clause (li) and insert in lieu thereof--

"(li) any waste management at the Hanford Site that is otherwise available for purchase or disposal by any Federal agency, or any other Federal, State, or local government agency.

SA 5248. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of part 4 of subtitle D of title I, insert the following:

SEC. 1340. COORDINATION OF ELECTRIC VEHICLE CREDITS WITH OTHER SUBSIDIES.

(a) In General.—Section 30B(d)(3), as amended by this Act, is amended by adding at the end the following new sentence--"Such term shall not include any person who has received a loan under section 136(d) of the Energy Independence and Security Act of 2007 or a grant under section 50143 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' for the taxable year in which new clean vehicle is placed in service or any prior taxable year.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5249. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 60506. COMMERCIAL MOTOR VEHICLE PARKING CAPACITY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to the Secretary of Transportation for grants under section 1401 of MAP–21 (23 U.S.C. 137 note; Public Law 112–15) for projects under subsection (b)(2)(D) of that section.

SA 5250. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5251. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title I, add the following:
SEC. 10.01. PERMANENT EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.
(a) In General.—Section 199A(a) of the Internal Revenue Code of 1986 is amended by striking “2025” and inserting “2030”.
(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5258. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of subtitle A of title I, add the following:

PART.—OTHER PROVISIONS
SEC. 10. 01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.
(a) In General.—Section 46(e)(8) is amended—
(1) in subparagraph (A), by striking “10-year period” each place it appears and inserting “14-year period”, and
(2) in subparagraph (D)(ii)(II), by striking “10-year period” and inserting “14-year period.”
(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5256. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of subtitle A of title I, add the following:

PART.—EXTENSION OF REFINED COAL PRODUCTION TAX CREDIT.
(a) In General.—Section 45(e)(8) is amended—
(1) in subsection (a), by striking “16-year period” each place it appears and inserting “18-year period”.
(b) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2021.

SA 5257. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of subtitle A of title I, add the following:

PART.—OTHER PROVISIONS
SEC. 10. 01. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.
(a) In General.—Section 164(b) of the Internal Revenue Code of 1986 is amended—
(1) by striking “, and before January 1, 2026,” and
(2) by adding at the end the following:
ubby taxpayers

At the end of part 3 of subtitle A of title I, add the following:

SEC. 10.02. ELIMINATION OF ADDITIONAL IRS FUNDING FOR E. T.
Section 10301(a)(1)(A)(i) of this Act is amended by striking subclause (II).

SA 5259. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of section 10301(a), add the following:

(b) Report on Delinquent Tax Debt of Federal Employees.—Not later than April 15 of each year, the Commissioner of Internal Revenue shall submit to Congress report detailing the number of Federal employees delinquent on Federal taxes and the total amount owed, along with a breakdown of that information by agency, department, and branch of the Federal Government.

SA 5260. Ms. ERNST submitted an amendment intended to be proposed by her to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of part 3 of subtitle A of title I, add the following:

SEC. 10.03. DELINQUENT TAX COLLECTION.
This Commissioner of Internal Revenue, in consultation with the Director of the Office of Management and Budget, shall establish a repayment plan for the purpose of improving compliance and repayment with tax obligations. Such plan shall provide for garnishing the wages of Federal employees with delinquent tax debts until paid in full.

SA 5261. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 5194 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end of part 1 of subtitle A of title I, add the following:

SEC. 10.002. APPLICATION OF EXPENSES AND RESEARCH TAX INCENTIVES TO CORPORATE MINUS.
(a) In General.—Section 56A(c), as added by section 10001, is amended by adding at the end the following new paragraph:

D. TREATMENT OF EXPENSING AND AMORTIZATION EXPENDITURES.—Adjusted financial statement income shall be appropriately adjusted to only take into account amounts equivalent to deductions that would be allowable under section 168(k) and 174.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5262. Ms. WALORSKI (for herself, Ms. BALDWIN, and Mr. OSSEFF) submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:
At the appropriate place, insert the following:

Subtitle.—Addressing the Medicaid Coverage Gap
SEC. 10.01. ENSURING AFFORDABILITY OF COVERAGE FOR CERTAIN LOW-INCOME POPULATIONS.
(a) Reducing Cost Sharing Under Qualified Health Plans.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended—
(1) in subsection (b),
(A) in paragraph (2), by inserting “(or, with respect to plan years 2024 and 2025, whose household income does not exceed 138 percent of the poverty line for a family of the size involved)” before the period; and

(b) in the matter following paragraph (2), by adding at the end the following sentence: “In the case of an individual who is determined at any point to have a household income for 2022 or 2023 that does not exceed 138 percent of the poverty line for a family of the size involved, such individual shall, for each month during the year for which such determination is made, be treated as having a household income equal to 138 percent of the poverty line for purposes of applying this section.”;

and
(2) in subsection (c),
(A) in paragraph (1)(A), in the matter preceding clause (1), by inserting “, with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees (as defined in paragraph (6)(C)))” after “first be achieved”;

and
(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “with respect to eligible insureds (other than, with respect to plan years 2024 and 2025, specified enrollees)” after “under the plan”;

(C) in paragraph (3),
(1) in subparagraph (A), by striking “this subsection” and inserting “paragraph (1) or (2)”;

and
(ii) in subparagraph (B), by striking “this section” and inserting “paragraphs (1) and (2)”;

and
(D) by adding at the end the following new paragraph:

(6) Special Rule for Specified Enrollees.—“(A) In General.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall reduce cost-sharing under the plan with respect to months occurring during plan years 2024 and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan’s share of the total allowed costs of

(quote)
benefits provided under the plan to 99 per cent of such costs.

"(B) METHODS FOR REDUCING COST SHARING.—

"(i) IN GENERAL.—An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds otherwise available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs of benefits provided under such plan to specified enrollees during plan years 2024 and 2025.

"(ii) APPROPRIATION.—In addition to amounts otherwise available, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under this subparagraph.

"(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term 'specified enrollee' means, with respect to a plan year, an eligible insured who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402; and

"(D) PROVIDING ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(c)) is amended—

"(1) IN GENERAL.—For purposes of paragraph (1)(D), the benefits described in this paragraph shall be provided—

"(A) IN GENERAL.—An issuer of a qualified health plan making payments for services described in paragraph (A) furnished to an individual described in paragraph (D) during plan year 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

"(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

"(1) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

"(2) who is eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of section 1311(c).

"(C) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2025.—

"(1) IN GENERAL.—Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18001(a)) is amended—

"(A) by adding at the end the following new paragraph:

"(B) PAYMENTS FOR ADDITIONAL BENEFITS.—

"(i) IN GENERAL.—An issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to an individual described in paragraph (D) during plan year 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

"(ii) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under this subparagraph.

"(D) EDUCATION AND OUTREACH ACTIVITIES.—

"(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(c)) is amended—

"(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to section 1221(c), the Secretary shall obligate not less than $10,000,000 out of amounts collected under section 1321(c) to participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.

"(B) FEDERAL EXCHANGES.—For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1221(c), the Secretary shall obligate not less than $10,000,000 out of amounts collected under section 1321(c) to participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.

"(C) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, for purposes of carrying out this subsection, there is appropriated, to remain available until expended, $105,000,000 for fiscal year 2022 to carry out this paragraph, of which—

"(i) $15,000,000 shall be used to carry out this paragraph in fiscal year 2022; and

"(ii) $30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025.

"(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this section—

"(1) $105,000,000 for fiscal year 2022; and

"(2) $30,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so appropriated for a fiscal year shall remain available until expended.

"(E) FUNDING.—Out of any money in the Treasury not otherwise appropriated, to remain available until expended, $65,000,000, to carry out this section—

"(1) $105,000,000 for fiscal year 2022; and

"(2) $30,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so appropriated for a fiscal year shall remain available until expended.

"(F) TEMPORARY EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.—

"(1) IN GENERAL.—Section 36B(c)(1) is amended by redesignating subsection (h) as subsection (i) and inserting after such subsection—

"(A) the following new subsection:

"(B) LIMITATION ON USE OF FUNDS.—No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

"(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of paragraph (1)(B), the term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

"(D) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.—For purposes of subparagraph (B), the term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

"(E) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—Subclause (I) of section 36B(c)(1)(C)(i) shall not apply if the taxpay-er's household income does not exceed 138 percent of the poverty line for a family of the size involved.

"(F) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL
Preparedness under the Federal Emergency Management Act (FEMA).

SEC. 5026. CONDITION ON AUCTION OF CRude OIL FROM THE STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—In this section:

(1) BIDDER.—The term ‘‘bidder’’ means an individual, partnership, corporation, or entity intending to bid at an auction of crude oil from the Strategic Petroleum Reserve.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Energy.

(3) STRATEGIC PETROLEUM RESERVE.—The term ‘‘Strategic Petroleum Reserve’’ means the Strategic Petroleum Reserve established under part 121 of title 42, United States Code and Conservation Act (42 U.S.C. 6231 et seq.).

(b) BIDDING REQUIREMENTS ON EXPORT OF SR CRUDE OIL TO CERTAIN COUNTRIES.—

(1) IN GENERAL.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6211) shall be amended by inserting at the end of such section the following paragraph:

(2) WITHHOLDING FROM AUCTION.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6211), and subject to paragraph (2), with respect to the drawdown and sale at auction of the Strategic Petroleum Reserve after the date of enactment of this Act, the Secretary shall require, as a condition of any such sale, that in the case of a bid submitted by a bidder that intends to export the crude oil to the People’s Republic of China, the bid will not be considered to be a valid bid unless the bidder has submitted a bid 10 times higher than the next highest bid received.

(3) WAIVER.—The Secretary may grant a waiver under subparagraph (A) if the Secretary determines that the waiver is in the interest of the national security of the United States.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.
On page 39, line 10, strike the period and insert “, and provided further that a portion of such funds shall be used to create and implement a plan to eliminate racial, political, and regional disparities in the audit rates not later than 90 days from the date of enactment of this Act.”.

SEC. 5273. Mr. THUNE offered an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 60103. DIESEL EMISSIONS REDUCTIONS.
(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for the fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 7405) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) ADMINISTRATIVE COSTS.—The Administrator of the Environmental Protection Agency shall reserve 2 percent of the amounts made available under this section for the administrative costs necessary to carry out activities pursuant to this section.

SEC. 60104. FUNDING TO ADDRESS AIR POLLUTION.
(a) FENCELINE AIR MONITORING AND SCREENING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for the fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) to deploy, integrate, support, and maintain fenceline air monitoring, screening air quality sensors in low-income and disadvantaged communities, and other air toxics and community monitoring.

(b) MULTIPOLLUTANT MONITORING—STATATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) to deploy, integrate, support, and maintain multipollutant monitoring stations and other air toxics and community monitoring.

SEC. 60110. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.
(a) IN GENERAL.—Section 200 of the Families First Coronavirus Response Act (7 U.S.C. 2012) is amended by inserting “and to enable schools to purchase air quality sensors to address emissions from wood heaters” after “school districts”.

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for testing and other agency activities to address emissions from wood heaters.
available until September 30, 2031, for
providing technical assistance to schools in low-
income and disadvantaged communities under subsections (a) through (c) of section 103 of division S of Public Law 116–99 (42 U.S.C. 7675(a)–(c)) and section 105 of that Act (42 U.S.C. 7675)—
(1) to address environmental issues;
(2) to develop school environmental quality plans and standards for school building, design, construction, and renovation;
and
(3) to identify and mitigate ongoing air pollution hazards.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘‘greenhouse gas’’ means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60106. LOW EMISSIONS ELECTRICITY PRO-
GRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60120 of this Act, the following:

‘‘§ 134. LOW EMISSIONS ELECTRICITY PRO-
GRAM.

‘‘(a) APPROPRIATION.—In addition to amounts otherwise available, there is appro-
priated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $17,000,000, to remain available until September 30, 2026, for compliance data and related information.

‘‘(b) ADMINISTRATION OF FUNDS.—Of the amounts appropriated under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

‘‘(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘‘greenhouse gas’’ means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.‘‘.

SEC. 60107. FUNDING FOR SECTION 211(O) OF THE
CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2026, for compliance data and related information.

(b) ADMINISTRATION OF FUNDS.—Of the amounts appropriated under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

SEC. 60109. FUNDING FOR ENFORCEMENT TECH-
NOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appro-
priated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000, to remain available until September 30, 2023, for (1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); and (2) to acquire necessary devices on which to run such inspection software.

SEC. 60110. GREENHOUSE GAS CORPORATE RE-
PORTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to en-
sure communication with the Integrated Compliance Information System of the Envi-
ronmental Protection Agency and any asso-
ciated systems.

(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘‘greenhouse gas’’ means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.
(3) carrying out other activities that assist in measuring, reporting, and steadily reducing the quantity of embodied carbon of construction materials and products.

(2) Costs.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) Definitions.—In this section:

(1) Greenhouse gas emission monitoring.—The term ‘greenhouse gas emission monitoring’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

(2) State.—The term ‘State’ means a State, the term ‘federal’ means a Federal Government agency, and the term ‘applicable facility’ means a facility listed in section 134 of such Act, as added by section 60112.

(b) Methane Emissions Reduction Program.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60106 of this Act, the following:

‘‘SEC. 135. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60106 of this Act, the following:

‘‘SEC. 135. METHANE EMISSIONS REDUCTION PROGRAM.

(a) Incentives for Methane Mitigation and Monitoring.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $566,000,000, to remain available until September 30, 2023, for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations.

(b) Competitive Awards.—Of the amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2023, for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations.

(c) Waste Emissions Charge.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of a facility that emits more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations.

(d) Reporting Threshold.—Not later than 2 years after the date of enactment of this section, the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from a facility that exceed—

(1) 0.20 percent of the natural gas sent to sale from such facility; or

(2) 10 metric tons of methane per million barrels of oil sent to sale from such facility.

(e) Charge Amount.—The amount of the charge under subsection (c) for emissions reported for calendar year 2024 or 2025 shall be determined by—

(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

(2) $900 for emissions reported for calendar year 2024; or

(f) Reporting.—The charge under subsection (c) is owed.

(g) Computation.—The charge under subsection (c) shall be computed by—

(i) methane emissions standards and waste emissions from petroleum and natural gas systems, and petroleum and natural gas systems, mitigate legacy air pollution from conventional wells.

(ii) permanently shutting in and plugging wells in a manner to prevent the emission of methane from the existing well stock, and

(iii) the appropriate share of funds from the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2023, for carrying out other activities described in paragraphs (d) and (h) of section 134 of such Act, at marginal conventional wells.

(h) Reporting.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of a facility that emits more than 25,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year pursuant to subpart W of part 98 of title 40, Code of Federal Regulations.

(i) Reporting Threshold.—Not later than 2 years after the date of enactment of this section, the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from a facility that exceed—

(1) 0.20 percent of the natural gas sent to sale from such facility; or

(2) 10 metric tons of methane per million barrels of oil sent to sale from such facility.

The charge under subsection (c) shall be computed by—

(i) methane emissions standards and waste emissions from petroleum and natural gas systems, and petroleum and natural gas systems, mitigate legacy air pollution from conventional wells.

(ii) permanently shutting in and plugging wells in a manner to prevent the emission of methane from the existing well stock, and

(iii) the appropriate share of funds from the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2023, for carrying out other activities described in paragraphs (d) and (h) of section 134 of such Act, at marginal conventional wells.

(2) Waste Emissions Charge.—The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (f) from an owner or operator of an applicable facility in an industry segment, as defined in subpart W of part 98 of title 40, Code of Federal Regulations:

(1) Offshore petroleum and natural gas production.

(2) Onshore petroleum and natural gas production.

(3) Onshore natural gas processing.

(4) Onshore natural gas transmission compression.

(5) Underground natural gas storage.

(6) Liquefied natural gas storage.

(7) Liquefied natural gas import and export equipment.

(8) Onshore petroleum and natural gas gathering and boosting.

(9) Onshore natural gas transmission pipeline.

(10) CHARGE AMOUNT.—The amount of the charge under subsection (c) for applicable facility shall be equal to the product obtained by multiplying—

(1) the number of metric tons of methane emissions reported pursuant to subpart W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

(2) $900 for emissions reported for calendar year 2024; or

(b) $1,250 for emissions reported for calendar year 2025; or

(c) $1,500 for emissions reported for calendar year 2026 and each year thereafter.

(i) Waste Emissions Threshold.—

(1) Petroleum and Natural Gas Production.—With respect to imposing and collecting the charge under subsection (c) for applicable facility in an industry segment listed in section 134 of such Act, the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from an applicable facility that exceed—

(A) 0.20 percent of the natural gas sent to sale from such facility; or

(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility.

If such facility sent no natural gas to sale.

(2) Nonproduction Petroleum and Natural Gas Systems.—With respect to imposing and collecting the charge under subsection (c) for applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

(3) Natural Gas Transmission.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), (5), or (9) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from an applicable facility that exceed—

(A) 0.20 percent of the natural gas sent to sale from such facility; or

(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility.

(iii) Leasing and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the applicable annual waste emissions threshold under that subpart.

(iv) Leasing and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations, regardless of the applicable annual waste emissions threshold under that subpart.

(v) Leasing and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations.
SEC. 60113. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after title III of such Act, as added by section 60112 of this Act, the following:

"SEC. 136. GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

"(a) Appropriations.—

"(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise appropriated, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2023, to carry out subsection (b).

"(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise appropriated, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $4,750,000,000, to remain available until September 30, 2026, to carry out subsection (c).

"(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities to develop a plan that could be used as a model by grantees in developing a plan under subsection (b), and to model the effects of plans described in this section.

"(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such grant shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

"(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

"(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

"(3) TERMS AND CONDITIONS.—The Administrator shall make funds available to a grantee under this subsection as provided in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

"(A) a State,

"(B) an air pollution control agency;

"(C) a community-led air and other pollution monitoring, prevention, and remediation organization, and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other pollutants;

"(D) an Indian tribe; and

"(E) a group of one or more entities listed in subparagraphs (A) through (D).

"(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.”.

SEC. 60114. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEW OF ENVIRONMENTAL DATA AND TECHNOLOGY BLOCK GRANTS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely review and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technology and services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60115. LOW-EMBODIED CARBON LABELING OF CONSTRUCTION MATERIALS.

"(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in transportation projects and the Administrator of General Services for construction materials used in transportation projects and the Administration for construction materials used in transportation projects and the Administration for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on—

"(1) environmental product declarations; or

"(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

"(b) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials
SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

"SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

"(a) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

"(1) $2,800,000,000 to remain available until September 30, 2026, to award grants to eligible entities that help achieve the objectives of the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated for meeting the goals of section 136 of this Act; and

"(2) $200,000,000 to remain available until September 30, 2026, to provide technical assistance to eligible entities related to grants awarded under this section.

"(b) GRANTS.—

"(1) IN GENERAL.—The Administrator shall use the amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

"(2) ELIGIBLE ACTIVITIES.—An eligible entity may use a grant awarded under this subsection for—

"(A) community-led air and other pollution monitoring, prevention, and remediation organizations and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other pollutants;

"(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

"(C) climate resiliency and adaptation; and

"(D) reducing indoor toxics and indoor air pollution; or

"(E) facilitating engagement of disadvantaged communities in State and Federal advisory groups, workshops, rulemakings, and other public processes.

"(2) ELIGIBLE ENTITIES.—In this subsection, the term ‘eligible entity’ means—

"(A) a partnership between—

"(i) an Indian tribe, a local government, or an institution of higher education; and

"(ii) a community-based nonprofit organization;

"(B) a community-based nonprofit organization; or

"(C) a partnership of community-based nonprofit organizations.

"(3) ADMINISTRATIVE COSTS.—The Administrator shall reserve 5 percent of amounts made available under subsection (a) for administrative costs to carry out this section.

"(4) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.”.

SA 5274. Ms. Ernst submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. Schumer to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 505, strike line 23 and all that follows through page 506, line 24, and insert the following:

"(ii) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The lifecycle greenhouse gas emissions of any transportation fuel shall be based on the most relevant determinations under the Greenhouse gases, Regulated Emissions, and Energy use in Transportation model developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

SA 5275. Mr. Cruz submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. Schumer to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On lines 1 through 18 and insert the following:

"(7) EXCLUDED ENTITIES.—For purposes of this section, the term ‘new clean vehicle’ shall not include—

"(A) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in section 234(g)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern; or

"(B) any vehicle with respect to which any of the components contained in the battery...
of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

(e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

(ii) any vehicle with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern for recast into section 4202(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 1874(a)(5)), or

(ii) any vehicle with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

(B) REGULATIONS AND GUIDANCE. With respect to the requirements established under subparagraph (A), the Secretary may not issue any regulations or other guidance which provides for exemptions from such requirements or otherwise weakens the implementation or enforcement of such requirements, including any exclusion of entities owned, controlled by, or subject to the jurisdiction or direction of the Government of the People’s Republic of China as foreign entities of concern (as so defined).

SA 5277. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Not later than 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall finalize the rule to implement the requirement under section 520 of division B of the Consolidated Appropriations Act, 2022 (Public Law 117-103; 136 Stat. 141).

SA 5278. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) AMOUNT OF CREDIT. For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the amount by which—

(1) the product of—

(A) 0.3 cents, multiplied by

(B) the kilowatt hours of electricity—

(ii) produced by the taxpayer at a qualified nuclear power facility, and

(iii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

(2) the reduction amount for such taxable year.

(b) DEFINITIONS. (1) QUALIFIED NUCLEAR POWER FACILITY. For purposes of this section, the term ‘qualified nuclear power facility’ means any nuclear clear facility—

(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 56, and

(C) which is placed in service before the date of the enactment of this Act.

(2) REDUCTION AMOUNT. (A) IN GENERAL. For purposes of this section, the term ‘reduction amount’ means, unless otherwise provided, the amount of the zero-emission nuclear power facility for any taxable year, the amount equal to the lesser of—

(i) the amount determined under subsection (a)(1), or

(ii) the amount equal to 16 percent of the excess of—

(I) subject to subparagraph (B), the gross receipts from any eligible electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

(II) the amount equal to the product of—

(aa) 2.5 cents, multiplied by

(bb) the amount determined under subsection (a)(1)(B).

(B) TREATMENT OF CERTAIN RECEIPTS. (i) IN GENERAL. Subject to clause (ii), the amount determined under subparagraph (A)(ii)(1)(B) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility as a result of any Federal, State, or local government, or any political subdivision thereof, under such program.

(ii) ZERO-EMISSION CREDIT PROGRAM. For purposes of this subpart, the term ‘zero-emission credit program’ means any program with respect to the qualified nuclear power facility as a result of any Federal, State or local government program for, in
whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

(iii) EXCLUSION.—For purposes of clause (I), and rules described by the taxpayer in the tax return from a zero-emission credit program shall be excluded from the amount determined under subparagraph (A)(i) if the full amount of the credit determined pursuant to subsection (a) (determined without regard to this subparagraph) is used to reduce payments from such zero-emission credit program.

(2) ELECTRICITY.—For purposes of this section, the term ‘electricity’ means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

(c) OTHER RULES.—

(1) INFLATION ADJUSTMENT.—The 0.3 cent amount in subsection (a)(1)(A) and the 2.5 cent amount in subsection (b) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 46(e)(2)), as applied by substituting ‘calendar year 2023’ for ‘calendar year 1992’ in subparagraph (B) thereof for the calendar year in which the sale occurs. If the 0.3 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 46(e) shall apply for purposes of this section.

(d) WAGE REQUIREMENTS.—

(1) AMOUNT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount (as determined without regard to this sentence) multiplied by 5.

(2) PREREQUISITE WAGE REQUIREMENTS.—

(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified nuclear power facility are that the taxpayer shall satisfy any wage and mechanics employed by the taxpayer or any contractor or subcontractor in the alteration or repair of such facility shall be paid wages in excess of the prevailing rates for alteration or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 45, United States Code.

(B) CONSTRUCTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

(3) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2032.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(g) AMENDMENTS.—The amendments made by this section shall be made applicable to tax returns or information returns for purposes of the following sections:

(a) Section 6422,

(b) Section 6425,

(c) Section 6426,

(d) Section 6427,

(e) Section 6428,

(f) Section 6429,

(g) Section 6430,

(h) Section 6431,

(i) Section 6432,

(j) Section 6433,

(k) Section 6434,

(l) Section 6435,

(m) Section 6436,

(n) Section 6437,

(o) Section 6438,

(p) Section 6439,

(q) Section 6440,

(r) Section 6441,

(s) Section 6442,

(t) Section 6443,

(u) Section 6444,

(v) Section 6445,

(w) Section 6446,

(x) Section 6447,

(y) Section 6448,

(z) Section 6449,

(aa) Section 6450,

(bb) Section 6451,

(cc) Section 6452,

(dd) Section 6453,

(ee) Section 6454,

(ff) Section 6455,

(gg) Section 6456,

(hh) Section 6457,

(ii) Section 6458,

(jj) Section 6459,

(kk) Section 6460,

(ll) Section 6461,

(mm) Section 6462,

(nn) Section 6463,

(oo) Section 6464,

(pp) Section 6465,

(qq) Section 6466,

(rr) Section 6467,

(ss) Section 6468,

(tt) Section 6469,

(uu) Section 6470,

(vv) Section 6471,

(ww) Section 6472,

(xx) Section 6473,

(yy) Section 6474,

(zz) Section 6475,

(jjj) Section 6476,

(kkk) Section 6477,

(lll) Section 6478,

(mm) Section 6479,

(nnn) Section 6480,

(ooo) Section 6481,

(ppp) Section 6482,

(qqq) Section 6483,

(rrr) Section 6484,

(sss) Section 6485,

(ttt) Section 6486,

(uuu) Section 6487,

(vvv) Section 6488,

(www) Section 6489,

(xx) Section 6490,

(yyy) Section 6491,

(zzz) Section 6492,

(jjjj) Section 6493,

(kkkk) Section 6494,
(2) any similar methodology which satisfies the criteria under section 2110I(1)(H) of the Clean Air Act (42 U.S.C. 7545(e)(1)(H)), as if in effect on the date of enactment of this section.

(1) REGISTRATION OF SUSTAINABLE AVIATION FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer or importer of such fuel—

(1) is registered with the Secretary under section 4101, and

(2) provides—

(A) certification (in such form and manner as the Secretary shall prescribe) from an unrelated party demonstrating compliance with—

(i) any general requirements, supply chain traceability requirements, and information requirements established under the Carbon Offsetting and Reduction Scheme for International Aviation described in paragraph (1) of subsection (e), or

(ii) in the case of any methodology established under paragraph (2) of such subsection, requirements similar to the requirements described in clause (i), and

(B) other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

(d) Amount of credit—

(1) In general.—Subpart D of subchapter A of chapter 1 is amended by striking paragraph (4).

(2) Conforming Amendment.—Section 40A(f) is amended by striking paragraph (4).

(e) Credit made part of general business credit.—Section 39(b), as amended by the preceding provisions of this Act, is amended by striking “(2)” at the end, and by inserting after the word “taxpayer” the following:—

(35) the sustainable aviation fuel credit determined under section 40B.

(f) Coordination with biodiesel incentives.—

(1) In general.—Section 40A(d)(1) is amended by inserting “or 40B” after “determined under section 40B”.

(2) Conforming Amendment.—Section 40A(f) is amended by striking paragraph (4).

(g) Sustainable aviation fuel added to credit for alcohol fuel, biodiesel, and alternative aviation fuel mixtures.—

(1) In general.—Section 6226 is amended by adding at the end the following new subsection:

(k) Sustainable aviation fuel credit.

(1) In general.—For purposes of this section, the sustainable aviation fuel credit for the taxable year with respect to any sale or use of a qualified mixture, an amount equal to the product of—

(A) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

(B) the sum of—

(i) $1.25, plus

(ii) the applicable supplementary amount with respect to such sustainable aviation fuel.

(2) Definitions.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

(3) Registration requirement.—For purposes of this subsection, rules similar to the rules with respect to a taxpayer producing such hydrogen under section 638(1) or a possession of the United States (as defined in section 638(2)), shall apply.

(4) Conforming Amendments.—

(A) Section 4250 is amended—

(i) in subsection (a)(1), by striking “and” and inserting “, or”;

(ii) in subsection (b), by striking “under section 40 or 40A” and inserting “under section 40, 40A, or 40B”;

(iii) in paragraph (2), by striking “the Secretary” and inserting “the Secretary, or the Administrator of the Environmental Protection Agency (the ‘Administrator’), as the Secretary may require for purposes of carrying out this section.”

(B) Section 6247(e) is amended—

(i) in the heading, by striking “OR ALTERNATIVE FUEL” and inserting “ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL”;

(ii) in paragraph (1), by inserting “or the sustainable aviation fuel mixture credit” after “alternative fuel mixture credit”, and

(iii) in paragraph (2), by inserting at the end the following new subparagraph:

(L) any qualified mixture of sustainable aviation fuel (as defined in section 4250(k)(3)) sold or used after December 31, 2021.

(C) Section 4101(a)(1) is amended by inserting “every person producing or importing sustainable aviation fuel (as defined in section 40B),” before “and every person producing second generation biofuel”.

(D) The table of sections for subpart D of subchapter A of chapter 1 is amended by inserting after the item relating to section 40A the following new item:

“Sec. 40B. Sustainable aviation fuel credit.”

(e) Amount of credit included in gross income.—Section 87 is amended by striking “and” in paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

(3) the sustainable aviation fuel credit determined with respect to the taxpayer for the taxable year under section 40B(a).”

(f) Effective date.—The amendments made by this section shall apply to sales or uses after December 31, 2022.

SEC. 13204. CLEAN HYDROGEN.

(a) Credit for production of clean hydrogen.—

(1) In general.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

“SEC. 45V. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

(1) AMOUNT OF CREDIT.—For purposes of section 36, the hydrogen production credit for any taxable year is an amount equal to the product of—

(A) the kilograms of qualified clean hydrogen produced by a taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

(B) the applicable amount (as determined under section (b)) with respect to such hydrogen.

(2) APPLICABLE AMOUNT.—

(A) In general.—For purposes of this section, the applicable amount shall be an amount equal to the applicable percentage multiplied by—

(i) the number of kilograms of clean hydrogen produced by a taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service, multiplied by

(ii) the number of kilograms of CO2e per kilogram of hydrogen, and

(iii) the applicable percentage shall be 20 percent.

(B) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

(i) less than 2.5 kilograms of CO2e per kilogram of hydrogen, and

(ii) not less than 1.5 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 25 percent.

(C) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

(ii) not less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 33.4 percent.

(D) In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

SEC. 13205. CLEAN HYDROGEN.

(a) Credit for production of clean hydrogen.—

(1) In general.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding after subparagraph (H) of section 2110I(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

(B) GREET model.—The term ‘lifecycle greenhouse gas emissions’ shall only include emissions through the point of production (well-to-gate), as determined under the most recent Greenhouse Gas Emissions and Energy use in Transportation model (commonly referred to as the ‘GREET model’) developed by Argonne National Laboratory, or a successor model (as determined by the Secretary).

(2) Qualified clean hydrogen.—

(A) In general.—The term ‘qualified clean hydrogen’ means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 4 kilograms of CO2e per kilogram of hydrogen.

(B) Additional requirements.—Such term shall not include any hydrogen unless—

(i) such hydrogen is produced—

(I) in the United States, as defined in section 638(1) or a possession of the United States (as defined in section 638(2)),

(II) in the ordinary course of a trade or business of the taxpayer, and

(III) for sale or use, and

(ii) the production and sale or use of such hydrogen is verified by an unrelated party.

(C) Provisional emissions rate.—In the case of any hydrogen for which a lifecycle greenhouse gas emissions rate has not been determined for purposes of this section, a taxpayer producing such hydrogen may file a petition with the Secretary for determination of the lifecycle greenhouse gas emissions rate with respect to such hydrogen.
‘(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—The term ‘qualified clean hydrogen production facility’ means a facility—

(‘A) owned by the taxpayer,

(‘B) which produces qualified clean hydrogen, and

(‘C) the construction of which begins before January 1, 2023.

‘(d) SPECIAL RULES.—

‘(1) TREATMENT OF FACILITIES OWNED BY MORE THAN ONE TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

‘(2) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—Neither the credit allowed under this section with respect to any qualified clean hydrogen produced at a facility which includes carbon capture equipment for which a credit is allowed to any taxpayer under section 45Q for the taxable year or any prior taxable year.

‘(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

‘(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (2), the amount of the credit determined under section (a) with respect to qualified clean hydrogen described in section (b) shall be equal to such amount (determined without regard to this sentence) multiplied by 5.

‘(2) FACILITIES.—A facility meets the requirements of this paragraph if it is one of the following:

‘(‘A) A facility—

‘(‘i) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3)(A) and (4), and

‘(‘ii) which meets the requirements of paragraphs (3)(A) with respect to alteration or repair of such facility which occurs after such date.

‘(‘B) A facility which satisfies the requirements of paragraphs (3)(A) and (4).

‘(3) PREVAILING WAGE REQUIREMENTS.—

‘(‘A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in—

‘(‘i) the construction of such facility, and

‘(‘ii) with respect to any taxable year, for any portion of such taxable year which is within the period described in subsection (a), the alteration or repair of such facility shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such facility is located as most recently determined by the Secretary of Labor, in accordance with subsection (c) of section 102 of chapter 21 of the United States Code.

For purposes of determining an increased credit amount under paragraph (1) for a taxable year, the requirement under clause (ii) of this subparagraph is applied to such taxable year in which the alteration or repair of qualified facility occurs.

‘(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7)(B) shall apply.

‘(4) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

‘(5) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subsection, including regulations or other guid-

ance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

‘(6) REGISTRATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations or other guidance to carry out the purposes of this section and such other guidance for determining lifecycle greenhouse gas emissions.'
(D) QUALIFIED CLEAN HYDROGEN.—For purposes of this paragraph, the term ‘qualified clean hydrogen’ has the meaning given such term by section 45C(c)(2).

(II) Regulations.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this section, including regular the guidance which requires that no such credit so allowed under this section as exceeds the amount of the credit which would have been allowed if the expenditures were consistent with the actual verified production (or all of the credit so allowed in the absence of such verification).

(2) CONFORMING AMENDMENT.—Paragraph (9)(A)(1) of section 48(a), as added by section 13102, is amended by inserting “and paragraph (15)” after “paragraphs (1) through (8)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or improvement thereof, after December 31, 2022.

(d) TERMINATION OF EXCISE TAX CREDIT FOR HYDROGEN.—

(1) IN GENERAL.—Section 6426(e)(2) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) CONFORMING AMENDMENT.—Section 6426(e)(2) is amended by striking “(F)” and inserting “(E)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service before December 31, 2022.

PART 3—CLEAN ENERGY AND EFFICIENCY INCENTIVES FOR INDIVIDUALS

SEC. 13201. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(g)(2), as amended by striking “December 31, 2021” and inserting “December 31, 2032.”

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended to read as follows:

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the cost of any property installed during such taxable year, including any advanced tier) established by the most recent International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2022, and, for any property the construction of which begins prior to January 1, 2023, only to the extent of the basis thereof attributable to the construction, reconstruction, or improvement thereof, after December 31, 2022.

(2) QUALIFIED ENERGY PROPERTY .—The term ‘qualified energy property’ includes expenditures for labor and materials used as a residence by the taxpayer, and

(3) HOME ENERGY AUDITS.—

(A) DOLLAR LIMITATION.—The amount of the credit allowed under this section by reason of subsection (a)(3) shall not exceed $150.

(B) SUBSTANTIATION REQUIREMENT.—No credit shall be allowed under this section by reason of subsection (a)(3) unless the taxpayer includes with the taxpayer’s return of tax such information or documentation as the Secretary may require.

(C) HOME ENERGY AUDITS.—For purposes of this section, the term ‘home energy audit’ means an inspection and written report with respect to a dwelling unit located in the United States and owned or used by the taxpayer as the taxpayer’s principal residence (within the meaning of section 121) which—

(1) identifies the most significant and cost-effective energy efficiency improvements with respect to such dwelling unit, including an estimate of the energy and cost savings with respect to each such improvement;

(2) is conducted and prepared by a home energy auditor that meets the certification
or other requirements specified by the Secretary in regulations or other guidance (as prescribed by the Secretary not later than 365 days after the date of the enactment of this subsection).

(B) CONFORMING AMENDMENT.—Section 25B(b)(3)(B) is amended by striking ‘‘section 25C(h)’’.

(C) IN GENERAL.—Section 25C, as amended, provides that such manufacturer will—

(A) assign a product identification number assigned to such item by the qualified property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

(B) insert after subparagraph (g) the following:

‘‘(1) IN GENERAL.—No credit shall be allowed with respect to subsection (a) with respect to any item of specified property placed in service after December 31, 2022, unless—

(A) such item is produced by a qualified manufacturer; and

(B) the taxpayer includes the qualified product identification number of such item on the return of tax for the taxable year.

‘‘(2) QUALIFIED PRODUCT IDENTIFICATION NUMBER.—For purposes of this section, the term ‘qualified product identification number’ means any item that is described in subparagraph (a) with respect to any item of specified property placed in service after December 31, 2022, unless such item is produced by a qualified manufacturer pursuant to the methodology prescribed by paragraph (3).

‘‘(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term ‘qualified manufacturer’ means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric or numerical or letters which are unique to such manufacturer or by such other method as the Secretary may provide).

(B) label such item with such number in such manner as the Secretary may provide, and

(C) make periodic written reports to the Secretary at such times and in such manner as the Secretary may provide of the product identification numbers so assigned and including such information as the Secretary may require in respect to the item of specified property to which such number was so assigned.

‘‘(4) SPECIFIED PROPERTY.—For purposes of this subsection, the term ‘specified property’ means any qualified energy property and any property described in subparagraph (B) or (C) of subsection (c)(3).

‘‘(5) IN GENERAL.—Section 25D(b)(3) is amended by inserting ‘‘section 25C(h)’’. and inserting ‘‘section 25C(h)’’. and inserting after subparagraph (Q) the following:

‘‘(R) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(S) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(T) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(U) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(V) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(W) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(X) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(Y) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(Z) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(AA) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;

‘‘(BB) the taxpayer includes the qualified product identification number required under section 25C(h) relating to credit for nonbusiness energy property, the product identification number assigned by the Secretary not later than 365 days after the date of the enactment of this subsection;’’.

‘‘(1) IN GENERAL.—Section 25D(h) is amended by substituting ‘‘section 25C(h)’’ for ‘‘section 25C(h)’’.

‘‘(2) APPLICABLE DOLLAR VALUE.—For purposes of subparagraph (A), the applicable dollar value shall be $2.50 increased (but not above $10) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 20 percent.

‘‘(3) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTIES.—

(A) IN GENERAL.—In the case of any property which satisfies the requirements of paragraphs (4)(A) and (5), or

(B) in the case of any property which satisfies the requirements of paragraphs (4)(A) and (5), or

* * *

(4) PREVAILING WAGE REQUIREMENTS.—

(A) IN GENERAL.—The requirements described in this paragraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

‘‘(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—The amendments made by subsection (b) shall apply to expenditures made after December 31, 2024.

SEC. 13303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(A) IN GENERAL.—

1. Maximum Amount of Deduction.—Subsection (b) of section 179D is amended to read as follows:

‘‘(b) Maximum Amount of Deduction.—

(1) IN GENERAL.—The deduction under subsection (a) with respect to any building for which December 31 of the taxable year shall not exceed the excess (if any) of—

(A) the product of—

(i) the applicable dollar value, and

(ii) the square footage of the building, over

(B) the aggregate amount of the deductions under subsections (a) and (f) with respect to the building for the 3 taxable years immediately preceding such taxable year (or, in the case of any such deduction allowable to another taxpayer with respect to any taxable year ending during the 4-taxable-year period ending with such taxable year).

(2) APPLICABLE DOLLAR VALUE.—For purposes of paragraphs (1)(A) and (2), the applicable dollar value shall be an amount equal to $5.00 increased (but not above $10) by $0.02 for each percentage point by which the total annual energy and power costs for the building are certified to be reduced by a percentage greater than 20 percent.

(2) INCREASED DEDUCTION AMOUNT FOR CERTAIN PROPERTIES.—

(A) IN GENERAL.—In the case of any property which satisfies the requirements of paragraphs (4)(A) and (5), or

(B) in the case of any property which satisfies the requirements of paragraphs (4)(A) and (5), or

* * *

‘‘(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—The requirements described in this paragraph with respect to any property are that the taxpayer shall ensure that any laborers and mechanics employed by the taxpayer or any contractor or subcontractor in the construction of such property shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality in which such property is located as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

‘‘(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

Rules similar to the rules of section 4987(b) shall apply.

‘‘(5) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 4987(b)(8) shall apply.

‘‘(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry
out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.”.

(2) Modification of Efficiency Standard.—Section 179D(c)(1)(D) is amended by striking “50 percent” and inserting “25 percent.”

(3) Reference Standard.—Section 179D(c)(2) is amended by striking “the most recent” and inserting the following: “the more recent of—

(A) Standard 90.1-2007 published by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America, or

(B) the most recent.”

(4) Final Determination; Extension of Period; Placed in Service Deadline.—Subparagraph (B) of section 179D(c)(2), as amended by paragraph (3), is amended—

(A) by inserting “for which the Department of Energy has issued a final determination and” before “which has been affirmed,”

(B) by striking “2 years” and inserting “4 years” and

(C) by striking “that construction of such property begins” and inserting “property is placed in service”.

(5) Elimination of Partial Allowance.—(A) In General.—Section 179D(d) is amended by striking paragraph (1), and

(ii) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(B) Conforming Amendments.—(i) Section 179D(d)(1) is amended—

(ii) by striking “subsection (d)(6)” and inserting “subsection (d)(5)”, and

(ii) by striking “subsection (d)(7)” and inserting “subsection (d)(6)”.

(ii) Paragraph (2)(A) of section 179D(d), as redesignated by subparagraph (A), is amended by striking “paragraph (2)” and inserting “paragraph (1)”.

(iii) Paragraph (4) of section 179D(d), as redesignated by subparagraph (A), is amended by striking “paragraph (3)(B)(iii)” and inserting “paragraph (2)(B)(iii)”.

(iv) Section 179D(d) is amended by striking “or (d)(A)”.

(v) Section 179D(d)(3) is ammended by striking “For purposes of computing the earnings and profits of a corporation”, and inserting the following:

“(A) The term ‘qualified building retrofit property’, for purposes of computing the earnings and profits of a corporation, means any building which—

(i) is the United States, any State or political subdivision thereof, any possession of the United States, or any agency or instrumentality of any of the foregoing.

(ii) is not an individual government (as defined in section 330(c)(9)) or Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), and

(iii) any organization exempt from tax imposed by this chapter.”.

(7) Alternative Deduction for Energy Efficient Building Retrofit Property.—Section 179D, as amended by the preceding provisions of this section, is amended by inserting after subsection (e) the following new subsection:

“(f) Alternative Deduction for Energy Efficient Building Retrofit Property.—(i) In General.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection with respect to any qualified building, there shall be allowed as a deduction in the taxable year which includes the date of the qualifying final certification with respect to the qualified retrofit plan of such building, an amount equal to the lesser of—

(A) the excess described in subsection (b) (determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

(ii) Qualifying Plan.—For purposes of this subsection, the term ‘qualified retrofit plan’ means a written plan prepared by a qualified professional which specifies the modifications to a building which, in the aggregate, are expected to reduce such building’s energy use intensity by 25 percent or more in comparison to the baseline energy use intensity of such building. Such plan shall provide for a qualified professional to—

(A) as of any date during the 1-year period beginning on the date on which the property installed pursuant to such plan is placed in service, certify the energy use intensity of such building as of such date.

(B) certify, at the time of property installed pursuant to such plan as meeting the requirements of subparagraphs (B) and (C).

(iii) Energy Efficient Building Retrofit Property.—For purposes of this subsection, the term ‘energy efficient building retrofit property’ means property—

(A) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

(B) which is installed on or in any qualified building.

(i) the interior lighting systems,

(ii) the heating, cooling, ventilation, and hot water systems, or

(iii) the building envelope, and

(D) which is certified in accordance with paragraphs (2)(A) and (B), and any other provision of such section (as determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.

(2) Qualifying Final Certification.—For purposes of this subsection, the term ‘qualified final certification’ means any certification issued by the person primarily responsible for designing the property in lieu of the owner of such property. Such person shall be treated as the taxpayer for purposes of this section.

(3) Energy Efficient Building Retrofit Property.—For purposes of this subsection, the term ‘energy efficient building retrofit property’ means any building—

(A) located in the United States, and

(B) which is placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

(4) Qualifying Final Certification.—For purposes of this subsection, the term ‘qualifying final certification’ means, with respect to any qualified retrofit plan, the certification described in paragraph (2)(C) if the energy use intensity certified in such certification with respect to the property is equal to, or less than, 75 percent of the baseline energy use intensity of the building.

(5) Baseline Energy Use Intensity.—

“(A) In General.—For purposes of this subsection, the term ‘baseline energy use intensity’ means the energy use intensity certified under paragraph (2)(A), as adjusted to take account of any other provision of such section (as determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service by the taxpayer pursuant to such qualified retrofit plan.”

(8) Coordination with Deduction Otherwise Allowed Under Subsection (a).—

“(A) In General.—In the case of any building with respect to which an election is made under paragraph (1), the term ‘energy efficient building retrofit property’ means commercial buildings, shall not include any energy efficient building retrofit property with respect to which a deduction is allowable under this subsection.

(B) Certain Rules Not Applicable.—

(i) In General.—Except as provided in clause (ii), subsection (d) shall not apply for purposes of this subsection.

(ii) Allocation of Deduction by Certain Tax-Exempt Entities.—Rules similar to section (d)(3) shall apply for purposes of this subsection.”

(9) Inflation Adjustment.—Section 179D(e) is amended—

(A) by striking “2020” and inserting “2022”,

(B) by striking “or (subsection (d)(1)(A))”, and

(C) by striking “2019” and inserting “2021”.

(10) Application to Real Estate Investment Trust Earnings and Profits.—Section 312(k)(3)(B) is amended—

(iii) Special Rule.—In the case of a corporation that is a real estate investment trust, any amount deductible under section 179D shall be allowed in the year in which the property giving rise to such deduction is placed in service, or, in the case of energy efficient building retrofit property, the year in which the qualifying final certification is made.

(c) Conforming Amendment.—Paragraph (1) of section 179D(d), as redesignated by subparagraph (A), is amended by striking “not later than the date that is 2 years before the date that construction of such property begins” and inserting “not later than the date that is 4 years before the date such property is placed in service”.

(d) Effective Date.—(1) In General.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(2) Alternative Deduction for Energy Efficient Building Retrofit Property.—Subsection (f) of section 179D of the Internal Revenue Code of 1986 (as amended by this section), and any other provision of such section (as determined after taking into account all adjustments with respect to such taxable year other than the reduction under subsection (e)) of energy efficient building retrofit property placed in service after December 31, 2022 (in taxable
years ending after such date) if such property is placed in service pursuant to qualified retrofit plan (within the meaning of such section) established after such date.

SEC. 13304. EXTENSION, INCREASE, AND MODIFICATIONS OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION OF CREDIT.—Section 45L(c) is amended by striking December 31, 2021, and inserting December 31, 2023.

(b) INCREASE IN CREDIT AMOUNTS.—Paragraph (2) of section 45L(a) is amended to read as follows:

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an equal to—

"(A) the case of a dwelling unit which is eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program—

"(i) which meets the requirements of subsection (c)(1)(A) (and which does not meet the requirements of subsection (c)(1)(B)), $2,500, and

"(ii) which meets the requirements of subsection (c)(1)(B), $5,000, and

"(B) in the case of a dwelling unit which is part of a building which is eligible to participate in the Energy Star Multifamily New Construction Program—

"(i) which meets the requirements of subsection (c)(1)(A), $500, and

"(ii) which meets the requirements of subsection (c)(1)(B), $1,000.

(c) MODIFICATION OF ENERGY SAVINGS REQUIREMENTS.—Section 45L(c) is amended to read as follows:

"(c) ENERGY SAVINGS REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) A dwelling unit meets the requirements of this subparagraph if such dwelling unit is certified as a zero energy ready home under the zero energy ready home program of the Department of Energy as in effect on January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later, and

"(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).

(d) PREVAILING WAGE REQUIREMENT.—Section 45L is amended by redesignating subparagraph (a) as subsection (g) and by inserting after subsection (f) the following new subsection:

"(g) PREVAILING WAGE REQUIREMENT.—

"(1) IN GENERAL.—In the case of a qualifying residence described in subsection (a)(2)(B) meeting the prevailing wage requirements of subsection (2)(B), the credit amount allowed with respect to such residence shall be—

"(A) $2,500 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1)(A) (and which does not meet the requirements of subparagraph (B) of such subsection), and

"(B) $5,000 in the case of a residence which meets the requirements of subparagraph (A) of subsection (c)(1)(B).

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the requirements described in this subparagraph with respect to such residence shall be—

"(I) the most recent Energy Star Single-Family New Homes National Program Requirements and such other information as the Secretary of Energy may provide) as in effect on January 1, 2023, or January 1 of two calendar years prior to the date the dwelling was acquired, or

"(II) the most recent Energy Star Multifamily New Homes National Program Requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit was acquired, or

"(III) such dwelling unit meets the most recent Energy Star Manufactured New Homes National program requirements as in effect on the latter of January 1, 2023, or January 1 of two calendar years prior to the date such dwelling unit was acquired.

"(3) MULTI-FAMILY HOME REQUIREMENTS.—A dwelling unit meets the requirements of this paragraph if—

"(A) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later), and

"(B) such dwelling unit meets the most recent Energy Star Multifamily New Construction Regional Program Requirements applicable to the location of such dwelling unit (as in effect on either January 1, 2023, or January 1 of three calendar years prior to the date the dwelling was acquired, whichever is later).

"(b) FINAL ASSEMBLY.—Section 30D(d) is amended—

(1) in paragraph (1)—

"(A) in subparagraph (E), by striking ‘‘and’’ at the end, and

"(B) in subparagraph (F)(ii), by striking the period at the end and inserting ‘‘, and’’, and

(2) by adding at the end the following:

"(G) the final assembly of which occurs within North America.’’,

(c) DEFINITION OF NEW CLEAN VEHICLE.—

"(b) IN GENERAL.—Section 30D(d), as amended by the preceding provisions of this section, is amended—

"(A) in the heading, by striking ‘‘QUALIFIED PLUG-IN ELECTRIC DRIVE VEHICLE’’ and inserting ‘‘CLEAN’’,

"(B) in paragraph (1)—

"(i) in the matter preceding subparagraph (A), by striking ‘‘qualified plug-in electric drive motor’’ and inserting ‘‘clean’’,

"(ii) in subparagraph (C), by inserting ‘‘clean vehicle’’ after ‘‘qualified manufacturer’’,

"(iii) in subparagraph (F)—

"(I) in clause (i), by striking ‘‘4’’ and inserting ‘‘7’’, and

"(II) in clause (ii), by striking ‘‘and’’ at the end,

"(iv) in subparagraph (G), by striking the period at the end and inserting ‘‘, and’’, and

"(v) by adding at the end the following:

"(B) for which the person who sells any vehicle to the taxpayer furnishes a report to the taxpayer and to the Secretary, at such time and in such manner as the Secretary shall provide, containing—

"(i) the name and taxpayer identification number of the taxpayer,

"(ii) the vehicle identification number of the vehicle, unless, in accordance with any applicable rules promulgated by the Secretary, the term ‘vehicle identification number’ is assigned by the Secretary,

"(iii) the battery capacity of the vehicle,

"(iv) verification that original use of the vehicle commences with the taxpayer, and

"(v) the maximum credit under this section allowable to the taxpayer with respect to the vehicle.’’,

"(v) by striking ‘‘qualified manufacturer’’ after ‘‘qualified’’ and inserting ‘‘clean’’,

"(vii) by striking ‘‘qualified manufacturer’’ after ‘‘qualified’’ and inserting ‘‘clean’’,

(e) BIAS CORRECTION.—Section 45(b)(7)(B) shall apply.

(3) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary to carry out the purposes of this subchapter, including regulations or other guidance which provides for requirements for recorcling or information reporting for purposes of administering the requirements of this subchapter:

(d) BASIS OF DEDUCTION.—Section 45L(e) is amended by inserting after the first sentence the following: ‘‘This subsection shall not apply for purposes of determining the adjusted basis of any building under section 42.’’.  

(2) EFFECTIVE DATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after December 31, 2021.

"(2) EXTENSION OF CREDIT.—The amendments made by subsection (a) shall apply to buildings acquired after December 31, 2021.

PART 4—CLEAN VEHICLES

SEC. 13401. CLEAN VEHICLE CREDIT.

(a) PER VEHICLE DOLLAR LIMITATION.—Section 30D(b) is amended by inserting paragraph (2) after paragraph (1), and by striking the period at the end and inserting ‘‘, and’’:

"(2) CRITICAL MINERALS.—In the case of a qualified manufacturer who enters into a written agreement with the Secretary under which such manufacturer agrees to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing vehicle identification numbers and such other information required of each vehicle manufactured by such manufacturer as the Secretary may require before the period at the end, and

"(B) by adding at the end the following:

"(2) NEW QUALIFIED VEHICLE.—For purposes of this section, the term ‘new clean vehicle’ shall include any new qualified fuel cell motor vehicle (as defined under paragraph (3)(B) which meets the requirements under subparagraphs (G) and (H) of paragraph (1)).’’.  

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(2) CONFORMING AMENDMENTS.—Section 30D is amended—

(A) in subsection (a), by striking “new qualified plug-in electric drive motor vehicle” and inserting “new clean vehicle” and “new clean vehicle, and”.

(B) in subsection (b)(1), by striking “new qualified plug-in electric drive motor vehicle” and inserting “new clean vehicle”.

(d) ELIMINATION OF LIMITATION ON NUMBER OF VEHICLES ELIGIBLE FOR CREDIT.—Section 30D is amended by striking subsection (e).

(e) CRITICAL MINERAL AND BATTERY COMPONENT REQUIREMENTS.—

(1) IN GENERAL.—Section 30D, as amended by the preceding provisions of this section, is amended by inserting after subsection (d) the following:

“(e) Critical mineral and battery component requirements.—

“(1) IN GENERAL.—The term ‘new clean vehicle’ includes a vehicle that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals (as defined in section 45X(c)(6)) contained in such battery that were—

“(i) extracted or processed—

“(I) in the United States, or

“(II) with respect to which the United States has a free trade agreement in effect, or

“(ii) recycled in North America, is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary); and

“(B) APPLICABLE PERCENTAGE.—For purposes of paragraph (A), the applicable percentage shall be—

“(i) in the case of a vehicle placed in service after the date on which the proposed guidance described in paragraph (3)(B) is issued by the Secretary and before January 1, 2024, 40 percent;

“(ii) in the case of a vehicle placed in service during calendar year 2024, 50 percent;

“(iii) in the case of a vehicle placed in service during calendar year 2025, 60 percent;

“(iv) in the case of a vehicle placed in service during calendar year 2026, 70 percent; and

“(v) in the case of a vehicle placed in service after December 31, 2026, 80 percent.

“(2) BATTERY COMPONENTS.—

“(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the battery from which the electric motor of such vehicle draws electricity, the percentage of the value of the applicable critical minerals contained in such battery shall not include—

“(i) extracted or processed—

“(I) in the United States, or

“(II) with respect to which the United States has a free trade agreement in effect, or

“(ii) recycled in North America, is equal to or greater than the applicable percentage (as certified by the qualified manufacturer, in such form or manner as prescribed by the Secretary); and

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

“(i) in the case of a vehicle placed in service after December 31, 2023, 40 percent,

“(ii) in the case of a vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were extracted, processed, or recycled by a foreign entity of concern (as so defined).

“(f) SPECIAL RULES.—Section 30D(f) is amended by adding at the end the following:

“(8) ONE CREDIT PER VEHICLE.—In the case of any vehicle, the credit described in subsection (a) shall be—

“(A) IN GENERAL.—The Secretary shall issue proposed guidance with respect to the requirements under this subsection.

“(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall issue proposed guidance with respect to the requirements under this subsection.

“(2) EXCLUDED ENTITIES.—Section 30D(d), as amended by the preceding provisions of this section, is amended by adding at the end the following:

“(7) EXCLUDED ENTITIES.—For purposes of this section, a term ‘new clean vehicle’ shall include—

“(A) any vehicle placed in service after December 31, 2024, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(1)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

“(B) any vehicle placed in service after December 31, 2026, with respect to which any of the components contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled by a foreign entity of concern (as so defined).

“(1) VANS.—In the case of a van, $80,000.

“(ii) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $80,000.

“(iii) PICKUP TRUCKS.—In the case of a pickup truck, $90,000.

“(iv) OTHER.—In the case of any other vehicle, $55,000.

“(g) TRANSFER OF CREDIT.—

“(1) IN GENERAL.—Section 30D is amended by striking subsection (g) and inserting the following:

“(g) Transfer of credit.—

“(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary, if the taxpayer who acquires a new clean vehicle elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

“(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means, with respect to the taxpayer who acquires a new clean vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

“(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe.

“(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchase of such vehicle;

“(C) the manufacturer’s suggested retail price.

“(D) the value of the credit allowed and any other incentive otherwise allowable for the purchase of such vehicle, and

“(E) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1).

“(F) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

“(G) with respect to any incentive otherwise allowable for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of rebate or discount provided by the dealer or manufacturer, ensured that—

“(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

“(ii) such election shall not limit the value or use of such incentive.

“(3) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

“(4) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a dealer has failed to comply with the requirements prescribed for the purposes of paragraph (3), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

“(5) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

“(A) shall not be includible in the gross income of the taxpayer;

“(B) with respect to the dealer, shall not be deductible under this title.
``(6) APPLICATION OF CERTAIN OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any vehicle—

(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under paragraph (a) with respect to such vehicle were allowed to such taxpayer,

(B) paragraph (6) of such subsection shall not apply, and

(C) the requirement of paragraph (9) of such subsection (f) shall be treated as satisfied if the eligible entity provides the vehicle identification information of such vehicle to the Secretary in such manner as the Secretary may provide.

(7) ADVANCE PAYMENT TO REGISTERED DEALERS.—

(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicles sold by such entity for which an election described in paragraph (1) has been made.

(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(d)(6) shall apply for purposes of this paragraph.

(8) ADVANCE PAYMENTS.—For purposes of section 1324 of title 31, United States Code, the payments under sub-paragraph (a) shall be treated in the same manner as if the credit determined under paragraph (9) of such subsection (f) were allowed to such taxpayer under this chapter for the calendar year in which such election was made.

(9) INDIAN TRIBAL GOVERNMENT.—For purposes of this section, the term ‘Indian tribal government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, community, component band, or community recognized by the Treasury Department and the Advisory Committee on American Indian Studies (as defined in section 512 of the Indian Reorganization Act of 1934 (25 U.S.C. 460)).

(10) RECAPTURE.—In the case of any taxpayer who makes an election under subsection (a) with respect to any previously-owned clean vehicle and receives a payment described in paragraph (2) of such section (as determined in section 1324 of title 31, United States Code), the payments under section 30D(d)(11) of the Internal Revenue Code of 1986, as in effect on the day before the date of enactment of this Act, and paragraph (3)(A) of such section shall not apply, and such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13. PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of section 30 of chapter 1 of title 31, United States Code, is amended by striking ‘‘(a) IN GENERAL.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.” and inserting ‘‘(a) in general.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act.”.

(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—No credit shall be allowed to any taxable year if—

(A) the lesser of—

(i) the modified adjusted gross income of the taxpayer for such taxable year, or

(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, excluding any income excluded from gross income under section 911, 931, or 933.

(B) the threshold amount.

(2) THRESHOLD AMOUNT.—For purposes of paragraphs (1)(B), the threshold amount shall be—

(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000, or

(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

(3) DEFINITIONS.—For purposes of this section—

(A) DEFINITIONS.—For purposes of this section—

(B) IN GENERAL.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

(B) QUALIFIED SALE.—The term ‘qualified sale’ means a sale of a motor vehicle—

(C) TERMINATION.—The term ‘qualified sale’ means a sale of a motor vehicle—

(D) which—

(i) is not a qualified plug-in electric drive motor vehicle, and

(ii) is other than a qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 23E. PREVIOUSLY-OWNED CLEAN VEHICLES.

(a) IN GENERAL.—Subpart A of chapter 1 of title 31, United States Code, is amended by striking ‘‘(a) IN GENERAL.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.” and inserting ‘‘(a) IN GENERAL.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.”.

(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—No credit shall be allowed to any taxable year if—

(A) the lesser of—

(i) the modified adjusted gross income of the taxpayer for such taxable year, or

(ii) the modified adjusted gross income of the taxpayer for the preceding taxable year, excluding any income excluded from gross income under section 911, 931, or 933.

(B) the threshold amount.

(2) THRESHOLD AMOUNT.—For purposes of paragraphs (1)(B), the threshold amount shall be—

(A) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $150,000, or

(B) in the case of a head of household (as defined in section 2(b)), $112,500, and

(C) in the case of a taxpayer not described in subparagraph (A) or (B), $75,000.

(3) DEFINITIONS.—For purposes of this section—

(A) DEFINITIONS.—For purposes of this section—

(B) IN GENERAL.—The term ‘previously-owned clean vehicle’ means a vehicle that was placed in service after December 31, 2021, and before the date of enactment of this Act, or purchased or entered into a written binding contract to purchase, a new qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

(B) QUALIFIED SALE.—The term ‘qualified sale’ means a sale of a motor vehicle—

(C) TERMINATION.—The term ‘qualified sale’ means a sale of a motor vehicle—

(D) which—

(i) is not a qualified plug-in electric drive motor vehicle, and

(ii) is other than a qualified plug-in electric drive motor vehicle, the fair market value of which is $15,000, and before the date of enactment of this Act, and such vehicle was placed in service on or after the date of enactment of this Act, such taxpayer may elect (at such time, and in such form and manner, as the Secretary of the Treasury, or the Secretary’s delegate, may prescribe) to treat such vehicle as having been placed in service on the day before the date of enactment of this Act.

SEC. 13402. ORDINANCE FOR PREVIOUSLY-OWNED CLEAN VEHICLES.
"(4) MOTOR VEHICLE; CAPACITY.—The terms ‘motor vehicle’ and ‘capacity’ means the meaning of these terms as defined in paragraphs (2) and (4) of section 30D(d), respectively.

"(d) VIN NUMBER REQUIREMENT.—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

"(e) APPLICATION OF CERTAIN RULES.—For purposes of this section, rules similar to the rules of section 30D(f) (without regard to paragraph (10) or (11) thereof) shall apply for purposes of this section.

"(f) TERMINATION.—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2022.

(b) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) in subparagraph (8), by striking ‘‘and’’ at the end,

(2) in subparagraph (T), by striking ‘‘at a location’’, and

(3) in inserting after subparagraph (T) the following:

‘‘(U) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included in a return.’’

(c) CONFORMING AMENDMENTS.—Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(1) in paragraph (35), by striking ‘‘6 percent in the case of property’’ and inserting ‘‘with respect to any single item of property’’.

(d) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—Subsection (b) of section 30C is amended—

(1) in general.—Subpart D of part IV of subchapter A of chapter 1 is amended by striking “December 31, 2032”.

(2) TRANSFER OF CREDIT.—Section 25E, as added by subsection (a), is amended—

(1) in subparagraph (T), by striking “and” at the end,

(2) in subparagraph (U), by striking the period at the end and inserting “, plus”, and

(3) in inserting after subparagraph (U) the following:

‘‘(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included in a return.’’

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13403. QUALIFIED COMMERCIAL CLEAN VEHICLES.

(a) IN GENERAL.—For purposes of section 38, the qualified commercial clean vehicle credit for any taxable year is an amount equal to the sum of the credit amounts determined under section (b) with respect to each qualified commercial clean vehicle placed in service by the taxpayer during the taxable year.

(b) PER VEHICLE AMOUNT.—

(1) IN GENERAL.—Subject to paragraph (4), the amount determined under this subsection with respect to any qualified commercial clean vehicle shall be equal to the lesser of—

(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

(B) the incremental cost of such vehicle.

(2) INCREMENTAL COST.—For purposes of paragraph (1)(B), the incremental cost of any qualified commercial clean vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

(c) QUALIFIED COMMERCIAL CLEAN VEHICLE.—For purposes of this subsection, the term ‘qualified commercial clean vehicle’ means, with respect to any qualified commercial clean vehicle, any vehicle which is powered solely by gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

(d) LIMITATION.—The amount determined under this subsection with respect to any qualified commercial clean vehicle shall not exceed—

(A) in the case of a vehicle which has a gross vehicle weight rating of less than 14,000 pounds, $7,500, and

(B) in the case of a vehicle not described in subparagraph (A), $10,000.

(e) MODIFICATION OF CREDIT LIMITATION.—For purposes of this section, the term ‘qualified commercial clean vehicle’ means any vehicle which—

(1) meets the requirements of section 30D(d)(1)(C) and is acquired for use or lease by the taxpayer and not for resale,

(2) is a qualified commercial clean vehicle,

(3) has a gross vehicle weight rating of less than 14,000 pounds, and

(4) is of a character subject to the allowance for depreciation.

(2) M ODIFICATION OF CREDIT LIMITATION.—For purposes of this section, the term ‘qualified commercial clean vehicle’ means any vehicle which—

(1) in paragraph (S), by striking ‘‘and’’ at the end,

(2) in subparagraph (T), by striking ‘‘at a location’’, and

(3) in inserting after subparagraph (T) the following:

‘‘(U) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included in a return.’’

(f) TERMINATION.—No credit shall be determined under this section with respect to any vehicle acquired after December 31, 2022.

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (35), by striking ‘‘plus’’ at the end,

(B) in paragraph (36), by striking the period at the end and inserting ‘‘, plus’’, and

(C) by adding at the end the following new paragraph:

‘‘(27) the qualified commercial clean vehicle credit determined under section 45W.’’.

(2) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (T), by striking ‘‘and’’ at the end,

(B) in subparagraph (U), by striking the period at the end and inserting ‘‘, plus’’, and

(C) by inserting after subparagraph (U) the following:

‘‘(V) an omission of a correct vehicle identification number required under section 45W(e) (relating to commercial clean vehicle credit) to be included in a return.’’

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

‘‘Sec. 45W. Qualified commercial clean vehicle credit.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2022.

SEC. 13404. ALTERNATIVE FUEL REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Section 38(g)(4) is amended by striking ‘‘December 31, 2021’’ and inserting ‘‘December 31, 2022’’.

(b) CREDIT FOR PROPERTY OF A CHARACTER SUBJECT TO DEPRECIATION.—Subsection (a) of section 30C is amended—

(1) in general.—Section 30C(a) is amended by inserting ‘‘6 percent in the case of property of a character subject to depreciation’’ after ‘‘30 percent’’.

(2) MODIFICATION OF CREDIT LIMITATION.—Subsection (b) of section 30C is amended—

(1) in the matter preceding paragraph (1)—

(II) in subparagraph (A), by striking ‘‘$30,000 in the case of a property’’ and inserting ‘‘$100,000 in the case of any such item of property’’.

(2) BIPARTISAN CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFueling PROPERTY.—Section 30C(c) is amended to read as follows:

‘‘(c) BIPARTISAN CHARGING EQUIPMENT INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFueling PROPERTY.—For purposes of this section—

(1) in general.—The term ‘qualified alternative fuel vehicle refueling property’ would have the same meaning as the term ‘qualified clean-fuel vehicle refueling property’ would have under section 179A if—

(II) in paragraph (1), section 179A(d) did not apply to property installed on property which is used as the principal residence.
VEHICLE REFUELING PROPERTY.—Section 30C following new subsection:

(i) and by inserting after subsection (f) the

tion, is further amended by redesignating

(ii) Any mixture—

(i) which consists of two or more of the following fuels defined in section 40A(d)(1), diesel fuel (as defined in section 408A(e)(3)), kerosene, and

(ii) at least 20 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied petroleum gas, or hydrogen.

(iii) Electricity.

(c) UNIDIRECTIONAL CHARGING EQUIPMENT.—Property shall not fail to be treated as qualified alternative fuel vehicle refueling property solely because such property—

(A) is capable of charging the battery of a motor vehicle propelled by electricity, and

(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.

(c) CERTAIN ELECTRIC CHARGING STATIONS INCLUDED AS QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTIES.—(A) In general.—The term ‘qualified alternative fuel vehicle refueling property’ includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

(A) meets the requirements of subsection (a)(2), and

(B) is of a character subject to depreciation.

(2) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

(B) has 2 or 3 wheels, and

(C) is propelled by electricity.

(d) APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is further amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

(A) In general.—The term ‘qualified alternative fuel vehicle refueling property’ includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (2), but only if such property—

(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails),

(B) has 2 or 3 wheels, and

(C) is propelled by electricity.

(2) EXTENSION.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2023.

PART 5—INVESTMENT IN CLEAN ENERGY MANUFACTURING AND ENERGY SECURITY

SEC. 13501. EXTENSION OF THE ADVANCED ENER

(a) Extension of Credit.—Section 48C is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

(e) Additional Allocations.—

(1) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy projects described in subparagraph (B).

(2) Limitation.—The total amount of credits which may be allocated under the program established under paragraph (1) shall not exceed $10,000,000,000, of which not greater than $6,000,000,000 may be allocated to qualified investments which are not located within a census tract (as defined by the Bureau of the Census) in which such project is placed in service.

(3) Certification.—Each applicant for certification under paragraph (1) shall be awarded a certification and allocation of credits under subsection (d).

(b) Time to Meet Certification.—Each applicant for certification under paragraph (1) shall be awarded a certification and allocation of credits under subsection (d).
Secretary under subsection (e) as eligible for a credit under this section after "means a project'

(2) in clause (i)—

(A) inserting "a manufacturing facility for the production of" and inserting "an industrial or manufacturing facility for the production or recycling of".

(B) in clause (i), by inserting "water", after "sun".

(C) in clause (II), by striking "an energy storage system for use with electric or hybrid-electric vehicles" and inserting "energy storage systems and components".

(D) in clause (III), by striking "to support the transmission of intermittent sources of renewable energy, including storage of such energy" and inserting "grid modernization equipment or components".

(E) in subclause (IV), by striking "and sequester carbon dioxide emissions" and inserting "remove, use, or sequester carbon oxide emissions".

(F) by striking subclause (V) and inserting the following:

"(V) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product which is—"

"(aa) renewable, or"

"(bb) low-carbon and low-emission,".

(G) by striking subclause (VI),

(H) by redesignating subclause (VII) as subclause (I),

(I) by inserting after subclause (V) the following new subclauses:

"(VI) property designed to produce energy conservation technologies (including residential, commercial, and industrial applications),"

"(VII) light-, medium-, or heavy-duty electric or fuel cell vehicles, as well as—"

"(aa) technologies, components, or materials for such vehicles, and"

"(bb) associated charging or refueling infrastructure,"

"(VIII) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds, as well as technologies, components, or materials for such vehicles, or", and

(J) in subclause (IX), as so redesignated, by striking "and" at the end, and

(K) by striking clause (ii) and inserting the following:

"(ii) which re-equips an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20 percent through the installation of—"

"(I) low- or zero-carbon process heat systems,

"(II) carbon capture, transport, utilization and storage systems,

"(III) energy efficiency and reduction in waste from industrial processes, or"

"(IV) any other industrial technology designed to reduce greenhouse gas emissions, as determined by the Secretary, or"

"(iii) which re-equips, expands, or establishes an industrial facility for the production, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)))."

(e) CONFORMING AMENDMENT.—Subparagraph (A) of section 48C(c)(2) is amended to read as follows:

"(A) which is necessary for—"

"(i) the production or recycling of property described in clause (i) of paragraph (1A),"

"(ii) re-equipping an industrial or manufacturing facility described in clause (ii) of such paragraph, or"

"(iii) expanding, or establishing an industrial facility described in clause (iii) of such paragraph.".

(d) DENIAL OF DOUBLE BENEFIT.—48C(d), as redesignated by this section, is amended by striking "or 48B, 48E, 45Q, or 45V".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 13502. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—

"(1) ALLOWANCE OF CREDIT.—For purposes of section 38, the advanced manufacturing production credit for any taxable year is an amount equal to the sum of the credits determined under subsection (b) with respect to each eligible component which is—"

"(A) produced by the taxpayer, and"

"(B) during the taxable year, sold by such taxpayer to an unrelated person.

"(2) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer shall be taken into account only if the production and sale described in paragraph (1) is in a trade or business of the taxpayer.

"(3) UNRELATED PERSON.—

"(A) IN GENERAL.—In purposes of this subsection, a taxpayer shall be treated as selling components to an unrelated person if such component is sold to such person by a person related to the taxpayer.

"(B) ELECTION.—

"(i) IN GENERAL.—At the election of the taxpayer (in such form and manner as the Secretary may prescribe), a sale of components by such taxpayer to a related person shall be deemed to have been made to an unrelated person.

"(ii) REQUIREMENT.—As a condition of, and prior to, any election described in clause (i), the Secretary may require such information or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, or any improper or excessive amount determined under paragraph (1).

"(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—

"(a) IN GENERAL.—

"(i) the applicable amount with respect to any eligible component shall be—"

"(I) in the case of a battery module, an amount equal to the product of—"

"(I) in the case of an inverter, an amount equal to—"

"(I) in the case of a tower, 3 cents, and"

"(ii) the capacity of such inverter (expressed on a per direct current watt basis),

"(ii) in the case of a commercial inverter, 1.5 cents, and"

"(iii) in the case of a microinverter or a distributed wind inverter, 11 cents.

"(B) INVERTERS.—For purposes of paragraph (4)(a), the applicable amount with respect to any eligible component shall be—"

"(i) in the case of a central inverter, 0.25 cents,

"(ii) in the case of a utility inverter, 1.5 cents,

"(iii) in the case of a commercial inverter, 2 cents,

"(iv) in the case of a residential inverter, 6.5 cents, and"

"(v) in the case of a microinverter or a distributed wind inverter, 11 cents.

"(C) PHASE OUT.—

"(i) the applicable amount determined under subsection (a)(4) with respect to such component, as determined without regard to this paragraph, multiplied by—"

"(ii) the phase out percentage under subparagraph (B).

"(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—"

"(i) in the case of an eligible component sold during calendar year 2030, 75 percent,

"(ii) in the case of an eligible component sold during calendar year 2031, 50 percent,

"(iii) in the case of an eligible component sold during calendar year 2032, 25 percent,

"(iv) in the case of an eligible component sold after December 31, 2032, 0 percent.

"(C) EXCEPTION.—For purposes of determining the amount under this subsection with respect to any applicable critical mineral, the amount determined under subsection (a)(4) shall not apply.

"(4) LIMITATION ON CAPACITY OF BATTERY CELLS AND BATTERY MODULES.—
(A) In General.—For purposes of subparagraph (K)(ii) or (L)(ii) of paragraph (1), the capacity determined under either subparagraph with respect to a battery cell or battery module shall not exceed a capacity-to-power ratio of 100:1.

(B) Capacity-to-Power Ratio.—For purposes of this paragraph, the term 'capacity-to-power ratio' means, with respect to a battery cell or battery module, the ratio of the capacity of such cell or module to the maximum discharge amount of such cell or module in watts (expressed on a per alternating current watt basis).

(C) Definitions.—For purposes of this section—

(1) Eligible Component.—

(A) In General.—The term 'eligible component' means—

(i) any solar energy component,

(ii) any wind energy component,

(iii) any inverter described in subparagraphs (B) through (G) of paragraph (2),

(iv) any qualifying battery component, and

(v) any applicable critical mineral.

(B) Application with Other Credits.—The term 'eligible component' shall not include property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit allowed under section 48C after the date of enactment of this section.

(2) Inverters.—

(A) In General.—The term 'inverter' means an end product which is suitable to convert direct current electricity from 1 or more solar modules or certified distributed wind energy systems into alternating current electricity.

(B) Central Inverter.—The term 'central inverter' means an inverter which is suitable for large utility-scale systems and has a capacity which is greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

(C) Commercial Inverter.—The term 'commercial inverter' means an inverter which—

(i) is suitable for commercial or utility-scale applications,

(ii) has a rated output of 208, 480, 600, or 800 volt three-phase power, and

(iii) has a capacity which is not less than 20 kilowatts and not greater than 125 kilowatts (expressed on a per alternating current watt basis).

(D) Distributed Wind Inverter.—

(i) In General.—The term 'distributed wind inverter' means an inverter which—

(I) is used in a residential or non-residential system which utilizes 1 or more certified distributed wind energy systems, and

(II) has a rated output of not greater than 150 kilowatts.

(ii) Certified Distributed Wind Energy System.—The term 'certified distributed wind energy system' means a wind energy system which is certified by an accredited certification entity to meet Standard 9.1-2009 of the American Wind Energy Association (including any subsequent revisions to or modifications of such Standard which have been approved by the American National Standards Institute).

(E) Microinverter.—The term 'microinverter' means an inverter which—

(i) is suitable to connect with one solar module,

(ii) has a rated output of—

(I) 120 or 240 volt single-phase power, or

(II) 208, 480 volt three-phase power, and

(iii) has a capacity which is not greater than 650 watts (expressed on a per alternating current watt basis).

(F) Utility Inverter.—The term 'utility inverter' means an inverter which—

(i) is suitable for commercial or utility-scale systems,

(ii) has a rated output of not less than 600 volt three-phase power, and

(iii) has a capacity which is greater than 20 kilowatts and not greater than 1 per alternating current watt basis).

(G) Utility Inverter.—The term 'utility inverter' means an inverter which—

(i) is suitable for commercial or utility-scale systems,

(ii) has a rated output of not less than 600 volt three-phase power, and

(iii) has a capacity which is greater than 125 kilowatts and not greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

(H) Solar Energy Component.—

(A) In General.—The term 'solar energy component' means any of the following—

(i) Solar modules,

(ii) Photovoltaic cells,

(iii) Photovoltaic wafers,

(iv) Solar grade polysilicon,

(v) Polymeric backsheet,

(vi) Polymeric backsheet.

(B) Associated Definitions.—

(i) Photovoltaic Cell.—The term 'photovoltaic cell' means any cell which—

(I) has a capacity which is not greater than 208 or 480 volt three-phase power, and

(II) has a capacity which is greater than 125 kilowatts and not greater than 1,000 kilowatts (expressed on a per alternating current watt basis).

(ii) Utility Inverter.—The term 'utility inverter' means an inverter which—

(I) is suitable to connect with one solar module,

(II) is part of a solar panel or solar array that secures an offshore wind tower and foundation of such solar tracker, or

(III) connects segments of torque tubes to one another.

(2) Wind Energy Component.—

(A) In General.—The term 'wind energy component' means any of the following—

(i) Blades,

(ii) Nacelles,

(iii) Towers,

(iv) Offshore wind foundations,

(v) Related offshore wind vessels,

(vi) Associated Definitions.—

(B) Blade.—The term 'blade' means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.

(C) Offshore Wind Foundation.—The term 'offshore wind foundation' means the component (including transition piece) which secures an offshore wind tower and any above-water turbine components to the seafloor using—

(i) Fixed platforms, such as offshore wind monopiles, jackets, or gravity-based foundations, or

(ii) Floating platforms and associated mooring systems.

(D) Nacelle.—The term 'nacelle' means the assembly of the drivetrain and other components of a wind turbine (with the exception of the blades and the hub) within their cover housing.

(E) Related Offshore Wind Vessel.—The term 'related offshore wind vessel' means any vessel which is purpose-built or retrofitted for purposes of the development, transport, installation, operation, or maintenance of offshore wind energy components.

(F) Tower.—The term 'tower' means a tubular or lattice structure which supports the nacelle and rotor of a wind turbine.

(G) Qualifying Battery Component.—

(A) In General.—The term 'qualifying battery component' means any of the following—

(i) Electrode active materials,

(ii) Battery cells,

(iii) Battery modules,

(iv) Associated Definitions.—

(B) Electrode Active Material.—The term 'electrode active material' means cathode materials, anode materials, anode foils, and electrochemically active materials, including electrolytes and electrolyte salts that contribute to the electrochemical processes necessary for energy storage.

(C) Battery Cell.—The term 'battery cell' means an electrochemical cell which—

(i) comprised of 1 or more positive electrodes and 1 or more negative electrodes,

(ii) with an energy density of not less than 7 kilowatt-hours per liter, and

(iii) capable of storing at least 12 watt-hours of energy.

(D) Battery Module.—The term 'battery module' means a module which—

(i) (aa) in the case of a module using battery cells, with 2 or more battery cells which are configured electrically in series or parallel, to create voltages or currents, as appropriate, to a specified end use, or

(ii) with an aggregate capacity of not less than 7 kilowatt-hours (or, in the case of a module for a hydrogen fuel cell vehicle, not less than 1 kilowatt-hour).

(E) Applicable Critical Minerals.—The term 'applicable critical mineral' means any of the following—

(A) Aluminum.—Aluminum which is—
“(1) produced by the taxpayer at a qualified production facility; or

(2) the table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended—

(A) in paragraph (36), by striking “plus” at the end

(B) in paragraph (37), by striking the period at the end and inserting “+”, plus”, and

(C) by adding at the end the following new paragraph:

“(38) the advanced manufacturing production credit determined under section 45X(a).

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new item:

“Sec. 45X. Advanced manufacturing production credit.”.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to components produced and sold after December 31, 2022.

PART 6—SUPERFUND

SEC. 13601. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking “9.7 cents” and inserting “16.4 cents”.

(B) Section 4611(c)(1) is amended by adding at the end the following:

“(i) passed in calendar year 2016 in subparagraph (A)(ii) thereof.

(ii) the cost-of-living adjustment determined by substituting ‘calendar year 2022’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of 10, such amount shall be rounded to the nearest lower multiple of $0.01.”.

(b) CONFORMING AMENDMENTS.—

(A) Section 9507(d)(3)(B) is amended by striking “December 31, 1995” and inserting “December 31, 2022”.

(E) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 7—INCENTIVES FOR CLEAN ELECTRICITY AND CLEAN TRANSPORTATION

SEC. 13701. CLEAN ELECTRICITY PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

“Sec. 45Y. CLEAN ELECTRICITY PRODUCTION CREDIT.

“(a) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the clean electricity production credit for any taxable year is an amount equal to the product of—

(A) the kilowatt hours of electricity—

(i) produced by the taxpayer at a qualified facility; and

(ii) sold by the taxpayer to an unrelated person during the taxable year, or

“(4) SALE OF INTEGRATED COMPONENTS.—

For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.”.

(4) SALE OF INTEGRATED COMPONENTS.—

For purposes of this section, a person shall be treated as having sold an eligible component to an unrelated person if such component is integrated, incorporated, or assembled into another eligible component which is sold to an unrelated person.”.
(II) in the case of a qualified facility which is equipped with a metering device which is owned and operated by an unrelated person, sold, consumed, or stored by the taxpayer during the taxable year, multiplied by the inflation adjustment factor as defined in subsection (3).

The term ‘greenhouse gas emissions rate’ means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO₂ per KWh.

(C) Establishment of emissions rates for facilities.—

(i) The amount of greenhouse gases emissions shall be based on the greenhouse gas emissions rates for the calendar year described in subparagraph (C), 0 percent.

(iii) the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

(5) Applicable year.—For purposes of this subsection, the term ‘applicable year’ means the year of—

(A) the calendar year in which the applicable amount shall be rounded for purposes of determining the tax liability, and

(B) is measured at the source of capture and verified at the point of sale or utilization, and

(ii) the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

4. Authority to issue guidance.—The term ‘qualified carbon dioxide’ means carbon dioxide captured from an industrial source which would otherwise be released into the atmosphere as industrial emission of greenhouse gases.

5. Cooperating agencies.—For purposes of this section, the term ‘inflation adjustment factor’ means, with respect to a calendar year, the most recent revision of the GDP implicit price deflator for the calendar year described in paragraph (2).
electricity produced in the form of useful thermal energy shall be equal to the quotient of—

"(I) the total useful thermal energy produced during a specified time period by a steam, geothermal, or similar power system property within the qualified facility, divided by

"(II) the heat rate for such facility.

(ii) Eligible cooperative defined.—For purposes of this paragraph, the term ‘eligible cooperative’ means a cooperative organization, as defined in section 52(b)(11)(B), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(iii) Increase in credit in energy communities.—In the case of a qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under—

(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

(II) in the case of the facility the construction of which begins after December 31, 2024, and before January 1, 2025, 27.5 percent, and

(III) in the case of the facility the construction of which begins after December 31, 2025, and before January 1, 2027, 15 percent, and

(iv) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2027, 5 percent.

(iv) Phaseout for elective payment.—

(A) in general.—In the case of a taxpayer making an election under section 6417 with respect to a credit under this section, the amount of such credit shall be replaced with—

(i) the value of such credit (determined without regard to this paragraph), multiplied by—

(ii) the applicable percentage.

(B) 100 percent applicable percentage for certain qualified facilities.—In the case of any qualified facility—

(i) which satisfies the requirements under paragraph (11)(B), or

(ii) with a maximum net output of less than 1 megawatt (as measured in alternating current), the applicable percentage shall be 100 percent.

(C) phased domestic content requirement.—Subject to subparagraph (D), in the case of a facility which is not described in subparagraph (B), the applicable percentage shall be—

(i) if construction of such facility began before January 1, 2025, 100 percent,

(ii) if construction of such facility began in calendar year 2025, 90 percent,

(iii) if construction of such facility began in calendar year 2026, 75 percent, and

(iv) if construction of such facility began after December 31, 2025, 50 percent.

(iv) Conforming Amendments.—

(A) Section 38(b), as amended by the preceding provisions of this Act, is amended—

(i) in the case of a facility the construction of which begins after December 31, 2026, 55 percent.

(ii) Offshore wind facility.—For purposes of subparagraph (B)(ii), in the case of a qualified facility which is an offshore wind facility, the adjusted percentage shall be—

(I) in the case of a facility the construction of which begins before January 1, 2025, 20 percent,

(II) in the case of the facility the construction of which begins after December 31, 2024, and before January 1, 2025, 27.5 percent, and

(iii) in the case of the facility the construction of which begins after December 31, 2025, and before January 1, 2027, 15 percent, and

(iv) in the case of a facility the construction of which begins after December 31, 2026, and before January 1, 2027, 5 percent.

(iv) clean electricity production credit determined under section 45Y(a).
Act, as amended by adding at the end the following new item:

"Sec. 45Y. Clean electricity production credit.—"

(1) In General.—For purposes of this section, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year, plus—

(A) any qualified facility, and

(B) any energy storage technology.

(2) Applicable Percentage.—

(A) Qualified Facilities.—Subject to paragraph (3),—

(i) Base Rate.—In the case of any qualified facility which is not described in subclause (I) or (II) of clause (ii) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

(ii) Alternative Rate.—In the case of any qualified facility—

(I) with a maximum net output of less than 1 megawatt (as measured in alternating current), and

(II) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

(aa) satisfies the requirements of subsection (d)(3), and

(bb) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4), the applicable percentage shall be 30 percent.

(B) Qualified Storage Technology.—Subject to paragraph (3)—

(i) Base Rate.—In the case of any energy storage technology which is not described in subclause (I) or (II) of clause (i) and does not satisfy the requirements described in subclause (III) of such clause, the applicable percentage shall be 6 percent.

(ii) Alternative Rate.—In the case of any energy storage technology—

(I) with a capacity of less than 1 megawatt,

(ii) the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (3) and (4) of subsection (d), or

(aa) satisfies the requirements of subsection (d)(3), and

(bb) with respect to the construction of such property, satisfies the requirements of subsection (d)(4), the applicable percentage shall be 30 percent.

(C) Increase in Credit Rate in Certain Cases.—

(i) Energy Communities.—

(A) In General.—In the case of any qualified investment with respect to a qualified facility or with respect to energy storage technology which is placed in service after December 31, 2024.

(ii) Applicable Credit Rate Increase.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to energy storage technology described in paragraph (2)(B)(i), 2 percentage points, and

(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to energy storage technology described in paragraph (2)(B)(ii), 10 percentage points.

(B) Domestic Content.—Rules similar to the rules of section 48B(a)(12) shall apply.

(b) qualified investment with respect to a qualified facility for any taxable year is the sum of—

(A) the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of a qualified facility, plus

(B) the amount of any expenditures which are—

(i) paid or incurred by the taxpayer for qualified interconnection property—

(I) in connection with a qualified facility which has a maximum net output of not greater than 1 megawatt (as measured in alternating current), and

(II) placed in service during the taxable year of the taxpayer, and

(ii) properly chargeable to capital account of the taxpayer.

(2) Qualified Property.—For purposes of this section, the term ‘qualified property’ means property—

(A) which is—

(i) tangible personal property, or

(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified facility.

(B) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

(C)(i) the construction, reconstruction, or erection of which is completed by the taxpayer,

(ii) which is acquired by the taxpayer if the original use of such property commences with the taxpayer,

(iii) in connection with a qualified facility, or

(iv) which is used for the generation of electricity,

(v) which is placed in service after December 31, 2023,

(vi) for which the applicable greenhouse gas emissions rate (as determined under subparagraph (B)(ii)) is not greater than zero.

(B) Additional Rules.45Q.

(i) Expansion of Facility; Incremental Production.—Rules similar to the rules of section 45Y(b)(1)(D) shall apply for purposes of this paragraph.

(ii) Greenhouse Gas Emissions Rate.—Rules similar to the rules of section 45Y(b)(2) shall apply for purposes of this paragraph.

(C) Exclusion.—The term ‘qualified facility’ shall not include any facility for which—

(i) a renewable electricity production credit determined under section 45,

(ii) an advanced nuclear power facility production credit determined under section 45J,

(iii) a carbon oxide sequestration credit determined under section 45Q,

(iv) a zero-emission nuclear power production credit determined under section 45U,

(v) a clean electricity production credit determined under section 45Y,

(vi) an energy credit determined under section 38, or

(vii) a qualifying advanced coal project credit under section 48A, is allowed under section 38 for the taxable year or any prior taxable year.

(3) QUALIFIED INTERCONNECTION PROPERTY.—For purposes of this paragraph, the term ‘qualified interconnection property’ has the meaning given such term in section 48B(b)(12).

(4) Coordination with Rehabilitation Credit.—The qualified investment with respect to any qualified facility for any taxable year is the sum of any portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

(5) Definitions.—For purposes of this subsection, the terms ‘CO2e per kWh’ and ‘greenhouse gas emissions rate’ have the same meaning given such terms under section 45Y.

(C) Qualified Investment With Respect to Energy Storage Technology.—

(1) Qualified Investment.—For purposes of subsection (a), the qualified investment with respect to any qualified facility for any taxable year is the sum of—

(A) the qualified investment with respect to a qualified facility described in paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

(B) the phase-out percentage under paragraph (2).

(2) Phase-out Percentage.—The phase-out percentage under this paragraph is equal to—

(A) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the first calendar year following the applicable year, 100 percent,
(B) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during the second calendar year following the applicable year, 75 percent,

(C) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

(3) APPLICABLE YEAR.—For purposes of this subsection, the term ‘applicable year’ has the same meaning given such term in section 48E(e)(2).

(4) ALLOCATIONS.—

(A) IN GENERAL.—Not later than January 1, 2025, the Secretary shall establish a program to allocate amounts of environmental justice capacity limitation under paragraph (3) to facilities.

(B) IN THE CASE OF ANY ENERGY STORAGE.—If the Secretary determines that the greenhouse gas emissions rate for a qualified facility is greater than 10 grams of CO\textsubscript{2}e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment property in the taxable year in which the determination is made.

(C) SPECIAL RULES FOR CERTAIN FACILITIES.—In the case of a facility described in subclauses (II) and (III) of subparagraph (A), 20 percentage points, and

(D) for any qualified investment with respect to any qualified facility or energy storage technology the construction of which begins during any calendar year subsequent to the calendar year described in subparagraph (C), 0 percent.

(5) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any increase in the credit allowed under subsection (a) by reason of such subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 50(a)). The period and percentage of such recapture shall be determined under rules similar to the rules of section 50(a).

(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired as an increase in such excess shall be taken into account as a financial benefit.

(E) ELIGIBLE PROPERTY.—For purposes of this subsection, the term ‘eligible property’ means a qualified investment with respect to any applicable facility.

(6) CARRYOVER OF UNUSED LIMITATION.—(i) IN GENERAL.—If the annual capacity limitation which expires under clause (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

(ii) IN GENERAL.—Paragraph (1) shall not apply with respect to any property which is placed in service after the date that is 4 years after the date of the allocation of the facility of which such property is a part.

(ii) APPLICATION OF CARRYOVER.—Any amount of environmental justice capacity limitation under subsection (a)(3)(B) which is subject to subsection (i) during any calendar year shall be taken into account as an excess described in subparagraph (D)(i) (or as an increase in such excess) for such calendar year, subject to the limitation imposed by the last sentence of such subparagraph.

(7) IN GENERAL.—(a) Section 50(a) is amended by inserting ‘‘48D(b)(5), or 48E(e)’’ after ‘‘48D(b)(5), or 48E(c)’’.

(b) Section 50(a)(1)(C), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(1) in paragraph (5), by striking ‘‘and’’ at the end of subparagraph (A) and inserting ‘‘and’’ before ‘‘and’’ at the end of subparagraph (B),

(2) in paragraph (6), by striking the period ‘‘; or’’ at the end of subparagraph (D) and inserting ‘‘; and’’ before subparagraph (E), and

(3) in paragraph (7), by striking ‘‘and’’ at the end of subparagraph (A) and inserting ‘‘and’’ before ‘‘and’’ at the end of subparagraph (B).

(c) Section 50(a)(2)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended—

(1) in clause (iv), by striking ‘‘and’’ at the end of clause (vii) and inserting ‘‘; and’’ before ‘‘and’’ at the end of clause (viii),

(2) in clause (vii), by striking ‘‘or clean electricity investment credit’’ and inserting ‘‘; or clean electricity investment credit’’;

(3) Section 50(a)(3)(E), as amended by section 107(d) of the CHIPS Act of 2022, is amended by striking ‘‘or 48D(b)(5)’’ and inserting ‘‘or 48D(b)(5), or 48E(e)’’.

(4) Section 50(c)(3) is amended by inserting ‘‘clean electricity investment credit’’ after ‘‘In the case of any energy credit’’.

(5) The table of section 50(a) is amended by inserting at the end of subpart E of part IV of subchapter A of chapter 1, as amended by section 107(d) of the CHIPS Act of 2022, after the item relating to section 48D the following new item:

48E. Clean electricity investment credit.’’. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified investment credit property placed in service after December 31, 2024.

SEC. 13703. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND ENERGY STORAGE TECHNOLOGY.

(a) In General.—Section 1868(e)(3)(B) is amended—

(1) in clause (vi)(III), by striking ‘‘and’’ at the end of clause (vii).
(2) in clause (vii), by striking the period at the end and inserting "and", and;

(3) by inserting after clause (vii) the following:

"(viii) any qualified facility (as defined in section 45Y(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 45E) which is a qualified investment (as defined in subsection (b)(1) of section 36) that satisfies the requirements under paragraphs (6) and (7) of section 48, and any applicable material (or materials derived therefrom), which is not kerosene, which is stock which is not biomass.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2024.

SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:

"SEC. 45Z. CLEAN FUEL PRODUCTION CREDIT.

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

"(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

"(i) produced by the taxpayer at a qualified facility which does not satisfy the requirements described in paragraph (4) during the taxable year, and

"(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

"(B) the emissions factor for such fuel (as determined under subsection (b)).

"(2) APPLICABLE AMOUNT.—

"(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount referred to in paragraph (1)(A) with respect to such fuel shall be $1.00.

"(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements under paragraphs (6) and (7) of subsection (a), the applicable amount shall be $1.00.

"(3) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.

"(A) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

"(i) with—

"(I) in the case of a transportation fuel produced at a qualified facility described in paragraph (2)(A), by substituting '35 cents' for '20 cents', and

"(II) in the case of a transportation fuel produced at a qualified facility described in paragraph (2)(B), by substituting '$1.75' for '$1.00'.

"(B) SUSTAINABLE AVIATION FUEL.—For purposes of this paragraph—

"(i) in the case of fuel produced at a qualified facility described in paragraph (4) during the taxable year, the applicable amount referred to in paragraph (1)(A) with respect to such fuel shall be determined under subsection (b).

"(ii) EMISSIONS FACTOR.—In the case of a transportation fuel which is a sustainable aviation fuel, the lifecycle greenhouse gas emissions of such fuel shall be determined in accordance with—

"(I) the recent Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) which is set forth by the International Civil Aviation Organization with the agreement of the United States, or

"(II) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section, for such fuels, expressed as kilograms of CO₂ per mmBTU, which a taxpayer shall use for purposes of this section.

"(i) IN GENERAL.—The term ‘transportation fuel’ means a fuel which—

"(I) is suitable for use as a fuel in a highway vehicle or aircraft,

"(ii) has an emissions rate which is not greater than 950 kilograms of CO₂ per megajoule,

"(iii) is not derived from coprocessing an applicable material (or materials derived from an applicable material) with a feedstock which is not biomass.

"(B) TRANSPORTATION FUEL.—

"(i) IN GENERAL.—The term ‘transportation fuel’ means a fuel which—

"(II) fatty acid esters.

"(I) monoglycerides, diglycerides, and triglycerides,

"(II) free fatty acids, and

"(III) fatty acid esters.

"(D) PROVISIONAL EMISSIONS RATE.—In the case of any transportation fuel for which an emissions rate has not been established under subparagraph (B), a taxpayer producing such fuel may file a petition with the Secretary for establishment of the emissions rate with respect to such fuel.

"(ii) Rounding.—If any amount determined under paragraph (1)(A) is not a multiple of 0.1, such amount shall be rounded to the nearest multiple of 0.1.

"(C) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of calendar years beginning after 2024, the 20 cent amount in subsection (a)(2)(A), the $1.00 amount in subsection (a)(2)(B), the 35 cent amount in subsection (a)(3)(A)(i), and the $1.75 amount in subsection (a)(3)(A)(ii) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which in which the sale of the applicable fuel occurs.

"(ii) Calculation.—For purposes of paragraph (1), the inflation adjustment factor shall be the inflation adjustment factor determined and published by the Secretary pursuant to section 45Y(c), determined by substituting ‘calendar year 2022’ for ‘calendar year 1992’ in paragraph (3) thereof.

"(D) DEFINITIONS.—In this section:

"(1) TRANSPORTATION FUEL.—The term ‘mmBTU’ means 1,000,000 British thermal units.

"(2) CO₂.—The term ‘CO₂’ means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on applicable emissions factors estab-lished under the Carbon Offsetting and Reduction Scheme for International Aviation...
described in subclause (I) of subsection (b)(1)(B)(ii), or

"(BB) in the case of any methodology described in subclause (II) of such subsection, requirements similar to the requirements described in subitem (AA), and

"(bb) such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section, and

"(ii) such fuel is produced in the United States.

"(B) UNITED STATES.—For purposes of this paragraph, the term 'United States' includes any possession of the United States.

"(2) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the gross sales from such facility.

"(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under sections 318 and 563(a), and

"(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(5) ALLOCATION TO PARTNERS OR PATRIARCHS OF AGRICULTURAL COOPERATIVE.—Rules similar to the rules of section 45(b)(6) shall apply.

"(6) PREVAILING WAGE REQUIREMENTS.—

"(A) in paragraph (1), by striking the period at the end and inserting ‘‘, plus’’, and

"(B) in paragraph (3), by striking the period at the end and inserting ‘‘, plus’’, and

"(C) by adding at the end the following new paragraph:

"(iv) The clean fuel production credit determined under section 45(a).

"(D) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—In the case of any applicable credit determined with respect to any facility or property held directly or indirectly by a partnership or S corporation, any election under subsection (b)(3) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection in such manner as the Secretary may provide with respect to such credit—

"(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit;

"(B) subsection (c) shall be applied with respect to such credit before determining any partner’s distributive share, or shareholder’s proportionate share, of such credit;

"(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of section 706 and 1366, and

"(D) a partner’s distributive share of such tax exempt income shall be based on such partner’s distributive share of the otherwise applicable tax.

"(2) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any facility or property held directly or indirectly by a partnership or S corporation, any election by any partner or shareholder shall be allowed under subsection (a) with respect to any applicable credit determined with respect to such facility.

"(3) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1292 of title 26, United States Code, the payments under paragraph (1)(A) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

"(4) SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE ENTITY.—The term 'applicable entity' means—

"(i) any organization exempt from the tax imposed by subtitle A,

"(ii) any State or political subdivision thereof,

"(iii) the Tennessee Valley Authority, and

"(iv) an Indian tribal government (as defined in section 30D(c)(9)), or

"(v) any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)), or

"(vi) any corporation operating on a cooperative basis which is engaged in furnishing electric energy to persons in rural areas.

"(2) ELECTION WITH RESPECT TO CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service a qualified clean hydrogen production facility (as defined in section 45V(c)(3)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(5).

"(3) ELECTRICITY PRODUCED FROM CARBON OXIDE SEQUESTRATION.—If a taxpayer other than an entity described in subparagraph (A) makes an election under this subparagraph with respect to any taxable year in which such taxpayer has placed in service in which such taxpayer has placed in service a qualified carbon capture and storage facility (as defined in section 45Q(d)), such facility shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(6).

"(4) ELECTION WITH RESPECT TO ADVANCED MANUFACTURING PRODUCTION CREDIT.—

"(1) IN GENERAL.—In the case of any applicable credit determined with respect to any facility or property held directly or indirectly by a partnership or S corporation, any election under subsection (b)(3) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such subsection in such manner as the Secretary may provide with respect to such credit—

"(A) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit;

"(B) subsection (c) shall be applied with respect to such credit before determining any partner’s distributive share, or shareholder’s proportionate share, of such credit;

"(C) any amount with respect to which the election in subsection (a) is made shall be treated as tax exempt income for purposes of section 706 and 1366, and

"(D) a partner’s distributive share of such tax exempt income shall be based on such partner’s distributive share of the otherwise applicable tax.
such taxpayer has, after December 31, 2022, produced eligible components (as defined in section 45X(c)(1)), such taxpayer shall be treated as an applicable entity for purposes of this section for such taxable year, but only with respect to the credit described in subsection (b)(7).

"(ii) LIMITATION.—

"(I) IN GENERAL.—Except as provided in subparagraph (II), if a taxpayer makes an election under this subparagraph with respect to any taxable year, such taxpayer shall be treated as having made such election for each of the 4 succeeding taxable years ending before January 1, 2023.

"(II) EXCEPTION.—A taxpayer may elect to revoke the application of the election made under this subparagraph with respect to any taxable year described in clause (I). Any such election, if made, shall apply to the applicable year specified in such election and each subsequent taxable year within the period described in clause (I). Any election under this subclause may not be subsequently revoked.

"(A) IN GENERAL.—For any taxable year described in clause (i)(I), no election may be made by the taxpayer under section 6416(a) for such taxable year with respect to eligible components for purposes of the credit described in subsection (b)(7).

"(B) OTHER RULES.—

"(i) IN GENERAL.—An election made under subparagraph (B), (C), or (D) shall be made at such time and in such manner as the Secretary may provide.

"(ii) LIMITATION.—No election may be made under subparagraph (B), (C), or (D) with respect to any taxable year beginning after December 31, 2022.

"(C) EXCISE TAX.—In the case of the credit described in subsection (b)(6), any election under subsection (a) shall—

"(i) apply separately with respect to carbon capture equipment, such election may, at any time during the period described in clause (i)(II)(aa), revoke the application of such election with respect to such equipment for any taxable year described in such election, and each subsequent taxable year within the period described in clause (i)(II)(aa). Any election under this subclause may not be subsequently revoked.

"(D) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

"(i) IN GENERAL.—In the case of the credit described in subsection (b)(5), any election under subsection (a) shall—

"(II)(aa) in the case of a taxpayer who makes an election described in paragraph (1)(B) with respect to a qualified clean hydrogen production facility, no election may be made by the taxpayer under section 6418(a) for such taxable year with respect to such facility, the tax imposed on such facility by chapter 1 (regardless of whether such entity determines constitutes an excessive payment, the tax imposed on such entity by paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

"(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

"(ii) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for which an election is made under this section for any taxable year, over

"(iii) the amount of such excessive payment, plus

"(B) CONSEQUENTIAL RULES.—Subparagraph (A)(ii) shall not apply if the applicable entity demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

"(C) EXCESSIVE PAYMENT DEFINED.—For purposes of this paragraph, the term ‘excessive payment’ means, with respect to a facility or property for which an election is made under this section for any taxable year, an amount equal to the excess of—

"(i) the amount treated as a payment which is made by the applicable entity under subsection (a), or the amount of the payment made pursuant to subsection (c), with respect to such facility or property for which an election is made under this section for any taxable year, over

"(ii) the amount of such payment which, without application of this section, would be otherwise allowable (as determined pursuant to paragraph (2) and without regard to section 38(c)) under this title with respect to such facility or property for such taxable year.
section 24(k), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated.

(g) Basis Reduction and Recapture.—Except as otherwise provided in subsection (c)(2)(B), rules similar to the rules of section 50 shall apply for purposes of this section.

(h) Regulations.—The Secretary shall issue such regulations or other guidance as may be necessary to carry out the purposes of this section, including guidance to ensure that the amount of the payment or deemed payment made under this section is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).

(b) Transfer of Certain Credits.—Subchapter B of chapter 68, as amended by subsection (a), is amended by inserting after section 6417 the following new section:

SEC. 6419. TRANSFER OF CERTAIN CREDITS.

(a) In General.—In the case of an eligible taxpayer which elects to transfer all (or any portion specified in the election) of an eligible credit determined with respect to such taxpayer for any taxable year to a transferee taxpayer (referred to in this section as the ‘transferee taxpayer’) which is not (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer a partner in a partnership or shareholder in an S corporation specified in such election (and not the eligible taxpayer) shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

(b) Treatment of Payments Made in Connection With Transfer.—With respect to any amount paid by a transferee taxpayer to an eligible taxpayer as consideration for a transfer described in subsection (a), such consideration—

(1) shall be required to be paid in cash,

(2) paid (or allocable in gross income of the eligible taxpayer, and

(3) with respect to the transferee taxpayer, shall not be deductible under this title.

(c) Application to Partnerships and S Corporations.—

(1) In General.—In the case of any eligible credit determined with respect to a partner’s distributive share of an entity that would be otherwise allowable (determined without regard to section 38(c)) to which the eligible taxpayer is a partner or shareholder, rules similar to the rules of section 50 shall apply for purposes of this section, including regulations or other guidance providing rules for determining the amount of the credit that would be otherwise allowable under this section.

(2) Coordination With Application at Partner or Shareholder Level.—In the case of any eligible credit determined with respect to a partner’s distributive share of an entity (other than an eligible credit which is transferred to a transferee taxpayer) which is not (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer a partner in a partnership or shareholder in an S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

(d) Taxable Year in Which Credit Taken Into Account.—In the case of any eligible credit determined with respect to a partner’s distributive share of an entity (other than an eligible credit which is transferred to a transferee taxpayer) which is not (within the meaning of section 267(b) or 707(b)(1)) to the eligible taxpayer a partner in a partnership or shareholder in an S corporation, no election by any partner or shareholder shall be allowed under subsection (a) with respect to any eligible credit determined with respect to such facility or property.

(e) Limitation on Election.—An election under subsection (a) to transfer any portion of an eligible credit shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the credit is determined, but in no event earlier than 180 days after the date of the enactment of this chapter. If such election, once made, shall be irrevocable.

(2) No Additional Transfers.—No election may be made under subsection (a) by a transferee taxpayer to transfer any portion of an eligible credit which has been previously transferred to such taxpayer pursuant to this section.

(f) Definitions.—For purposes of this section—

(i) Eligible Credit.—(A) In general.—The term ‘eligible credit’ means each of the following:

(1) So much of the credit for alternative fuel vehicle refueling property allowed under section 40C with respect to the eligible taxpayer determined under section 45(a), is treated as a credit listed in section 45(b).

(2) The renewable electricity production credit determined under section 45(a).

(3) The credit for carbon oxide sequestration determined under section 45Q(a).

(4) The zero-emission nuclear power production credit determined under section 45(u).

(5) The clean hydrogen production credit determined under section 45X(a).

(6) The advanced manufacturing production credit determined under section 45Xa.

(7) The clean electricity investment credit determined under section 45Y(a).

(8) The clean fuel production credit determined under section 45Za.

(9) The energy credit determined under section 46.

(10) The qualifying advanced energy project credit determined under section 48C.

(11) The clean energy investment credit determined under section 48E.

(B) Election for Certain Credits.—In the case of any eligible credit described in clause (ii), (iii), (v), or (vii) of subparagraph (A), an election under subsection (a) shall be made—

(1) separately with respect to each facility for which such credit is determined, and

(2) for each taxable year during the 10-year period beginning on the date such facility was originally placed in service (or, in the case of the credit described in clause (iii), for each taxable year during the 12-year period beginning on the date the carbon capture equipment was originally placed in service at such facility).

(C) Election for Business Credit Carriers, Carports, or Carports Carriers.—The term ‘eligible credit’ shall not include any business credit carforthor or business credit carpark determined under section 39.

(2) Eligible Taxpayer.—The term ‘eligible taxpayer’ means any taxpayer which is determined under section 6417(d)(1)(A).

(g) Special Rules.—For purposes of this section—

(1) Additional Information.—As a condition of such election, any portion of an eligible credit pursuant to subsection (a), the Secretary may require such information (including, in such form or manner as is determined appropriate by the Secretary, such information returns) or registration as the Secretary deems necessary for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

(2) Excessive Credit Transfer.—

(A) In General.—In the case of any portion of an eligible credit which is transferred to a transferee taxpayer pursuant to subsection (a) which the Secretary determines constitutes an excessive credit transfer, the amount of such transfer (as determined under chapter 1 regardless of whether such entity would otherwise be subject to tax under such chapter) for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

(i) the amount of such excessive credit transfer, plus

(ii) an amount equal to 20 percent of such excessive credit transfer.

(B) Reasonable Cause.—Subparagraph (A) shall not apply if the taxpayer demonstrates to the satisfaction of the Secretary that the excessive credit transfer resulted from reasonable cause.

EXCESSIVE CREDIT TRANSFER DEFINED.—For purposes of this paragraph, the term ‘excessive credit transfer’ means, with respect to a facility or property for which an election is made under this section, for any taxable year, an amount equal to the excess of—

(i) the amount of the eligible credit claimed by the transferee taxpayer with respect to such facility or property for such taxable year, over

(ii) the amount of such credit which, without application of this section, would be otherwise allowable under this title with respect to such facility or property for such taxable year.

(b) Basis Reduction; Notification of Recapture.—In the case of the application under subsection (a) with respect to any portion of an eligible credit described in clauses (i) through (vi) of subsection (f)(1)(A), a transferee taxpayer shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

(B) If, during any taxable year, the applicable investment credit property (as defined in subsection (a)(6) of this section) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period described in subsection (a)(1) of this section—

(i) such eligible taxpayer shall provide notice of such occurrence to the transferee taxpayer (in such form and manner as the Secretary shall prescribe), and

(ii) the transferee taxpayer shall provide notice of the recapture amount (as defined in subsection (a)(2) of section 50) is disposed of, or otherwise ceases to be investment credit property with respect to the eligible taxpayer, before the close of the recapture period described in subsection (a)(1) of this section.

SECTION 6420. AMENDMENTS TO SECTION 6418, PARAGRAPHS (1)(B) AND (C).

(a) In General.—Section 6418, paragraphs (1)(B) and (C) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990), are amended by adding at the end the following:

(2) The clean electricity investment credit determined under section 48E.

(b) Real Estate Investment Trusts.—Section 50(d) is amended by adding at the end the following:

(2) The clean electricity investment credit determined under section 48E.
the case of any applicable credit (as defined in section 6117(b))—

(A) this section shall be applied separately from the business credit (other than the applicable credit) in paragraphs (1) and (2), and

(B) paragraph (1) shall be applied by substituting ‘‘each of the 3 taxable years’’ for ‘‘the taxable year’’ in subparagraph (A) thereof, and

(C) paragraph (2) shall be applied—

(i) by substituting ‘‘23 taxable years’’ for ‘‘21 taxable years’’ in subparagraph (A) thereof, and

(ii) by substituting ‘‘22 taxable years’’ for ‘‘20 taxable years’’ in subparagraph (B) thereof.

(e) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6516 the following new items:

‘‘Sec. 6417. Elective payment of applicable credits.

Sec. 6418. Transfer of certain credits.’’.

(f) CROSS-REF TO DIRECT SPENDING.—Beginning in fiscal year 2023 and each fiscal year thereafter, the portion of any payment made to a taxpayer pursuant to an election under section 6417 shall supplement and not supplant any other spending that supports the implementation of conservation practices or enhances that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 388a–21 through 388a–25),

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1260C(b)(1) of the Food Security Act of 1985 (16 U.S.C. 388aa–2(b)(1)) shall not apply; and

(ii) section 1260H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 388aa–8(c)(2)) shall be applied—

(i) by substituting ‘‘$500,000,000’’ for ‘‘$25,000,000’’; and

(ii) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the natural resource conservation program under subchapter H of title XII of that Act (16 U.S.C. 3865 through 3865s), for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $1,500,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle D of title XII of that Act (16 U.S.C. 3871 through 3871t)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that—

(i) section 1271(c)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871(c)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271(c) of the Food Security Act of 1985 (16 U.S.C. 3871(c)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production,

in this title, the term ‘‘Secretary’’ means the Secretary of Agriculture.

Subtitle B—Conservation

SEC. 21001. ADDITIONAL AGRICULTURAL CONSERVATION INVESTMENTS.

(a) Authorization.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $500,000,000 for fiscal year 2023; and

(iii) $1,500,000,000 for fiscal year 2026; and

(B) subject to the conditions on the use of the funds that—

(i) section 1260C(b)(1) of the Food Security Act of 1985 (16 U.S.C. 388aa–2(b)(1)) shall not apply; and

(ii) section 1260H(c)(2) of the Food Security Act of 1985 (16 U.S.C. 388aa–8(c)(2)) shall be applied—

(i) by substituting ‘‘$50,000,000’’ for ‘‘$25,000,000’’; and

(ii) with the Secretary prioritizing proposals that utilize diet and feed management to reduce enteric methane emissions from ruminants; and

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under subchapter B of that chapter (16 U.S.C. 388a–21 through 388a–25),

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that the funds shall only be available for 1 or more agricultural conservation practices or enhancements, or bundles that the Secretary determines directly improve soil carbon, reduce nitrogen losses, or reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production;

(3) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the natural resource conservation program under subchapter H of title XII of that Act (16 U.S.C. 3865 through 3865s), for easements or interests in land that will most reduce, capture, avoid, or sequester carbon dioxide, methane, or nitrous oxide emissions associated with land eligible for the program—

(A) $100,000,000 for fiscal year 2023;

(B) $200,000,000 for fiscal year 2024;

(C) $500,000,000 for fiscal year 2025; and

(D) $1,500,000,000 for fiscal year 2026; and

(4) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the regional conservation partnership program under subtitle D of title XII of that Act (16 U.S.C. 3871 through 3871t)—

(A)(i) $250,000,000 for fiscal year 2023;

(ii) $500,000,000 for fiscal year 2024;

(iii) $1,500,000,000 for fiscal year 2025; and

(iv) $3,450,000,000 for fiscal year 2026; and

(B) subject to the condition on the use of the funds that—

(i) section 1271(c)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3871(c)(2)(B)) shall not apply; and

(ii) the Secretary shall prioritize partnership agreements under section 1271(c) of the Food Security Act of 1985 (16 U.S.C. 3871(c)) that support the implementation of conservation projects that assist agricultural producers and nonindustrial private forestland owners in directly improving soil carbon, reducing nitrogen losses, or reducing, capturing, avoiding, or sequestering carbon dioxide, methane, or nitrous oxide emissions, associated with agricultural production,
SEC. 22001. ADDITIONAL FUNDING FOR ELECTRIC POWER AND LENDERS.—

(a) Appropriation.—Notwithstanding subsections (a) through (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any amounts in the Treasury, to provide grants for which the Federal share shall be not more than 50 percent of the cost of the project that is to be carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; or

(2) $31,813,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) Conditions.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outstanding or disbursed after September 30, 2031.

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

(c) Conforming Amendments.—

(1) The Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(A) in subsection (a), by striking “2023” and inserting “2031”; and

(B) in subsection (c)(2), by—

(i) in the subparagraph heading, by striking “2023” and inserting “2031”; and

(ii) by striking “2023” and inserting “2031”.

(2) Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking “2023” each place it appears and inserting “2031”.

(3) Section 1242(j) of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking “2023” and inserting “2031”;

(ii) in paragraph (2)(F), by striking “2023” and inserting “2031”; and

(iii) in paragraph (3), by striking fiscal year 2023 each place it appears and inserting “each of fiscal years 2023 through 2031”; and

(B) in subsection (b), by—

(i) striking “2023” and inserting “2031”;

(ii) in paragraph (1)(B), in the subparagraph heading, by striking “2023” and inserting “2031”; and

(iii) in paragraph (3), in the matter preceding paragraph (4), by striking “2023” and inserting “2031”.


(g) Exception.—The Secretary shall not enter into any agreement pursuant to this subsection that could result in disbursements after September 30, 2031.

SEC. 22002. RURAL ENERGY FOR AMERICA PROGRAM.—

(a) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury, to provide grants for which the Federal share shall be not more than 50 percent of the cost of the activity carried out using the grant funds—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,276,500 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) Conditions.—The funds made available under this section are subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2031; or

(B) under which any payment could be outstanding or disbursed after September 30, 2031.

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section.

SEC. 22003. BIOFUEL INFRASTRUCTURE AND AGRICULTURAL PRODUCT MARKET EXPANSION.—

(a) Appropriation.—Notwithstanding subsections (a) through (e) and subsection (g), in addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury, to provide grants for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to increase the sales and use of agricultural commodity-based fuels through infrastructure improvements for blending, storing, supplying, or distributing biofuels, except for transportation infrastructure not otherwise appropriated, with respect to such biofuels are blended, stored, supplied, or distributed—

(A) by building, retrofitting or otherwise expanding biodiesel pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuel blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the National Biofuels Infrastructure Program for Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in the Federal Register (85 Fed. Reg. 20656), as determined by the Secretary; or

(B) by building and retrofitting home heating oil distribution centers or equivalent entities and distribution systems for ethanol and biodiesel blends.

SEC. 22004. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.—

(a) Appropriation.—Notwithstanding subsections (a) through (e) and (g), in addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a) with respect to underutilized renewable energy technologies, notwithstanding section 9007(c)(9)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(9)), the Secretary shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a)—

(1) $44,750,000, for each of fiscal years 2023 through 2027, to remain available until September 30, 2031; and

(2) $31,813,500, for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) Conditions.—The funds made available under this section—

(1) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; or

(2) $31,813,500, for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

SEC. 22005. FUNDING FOR ELECTRIC POWER AND LENDERS.—
otherwise appropriated, $9,700,000,000, to remain available until September 30, 2031, for the long-term resiliency, reliability, and affordability of rural electric systems by providing electric cooperative loans, modifications of electric cooperative loans, modifications of agri-

SEC. 22007. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

(a) Technical and Other Assistance.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners described in section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) and in Programs Administered by the Department of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

(b) Land Loan Assistance.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $3,100,000,000, to remain available until September 30, 2031, for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.

(c) EQUITY COMMISSIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

(d) Research, Education, and Extension.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $200,000,000 for vegetation management projects on National Forest System land and to complete an inventory of old-growth forests and mature forests within the National Forest System.

(e) Requirement.—None of the funds made available by paragraph (1) or (2) of section (a) may be used for any activity—

(1) conducted in a wilderness area or wild-
dependent study area; or

(2) that includes the construction of a per-
manently based road or motorized trail.

(f) Discrimination Financial Assistance.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $2,200,000,000 for a program to provide financial assistance, including the cost of any financial assistance, to farmers, ranchers, or forest landowners described in section 1006 of the American Rescue Plan Act of 2021 (7 U.S.C. 2279 note; Public Law 117–2) and in Programs Administered by the Department of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $24,000,000 for administrative costs, including training employees, of the agencies and offices of the Department of Agriculture to carry out this section.
(5) inconsistent with the prohibitions of the rule of the Forest Service entitled “Special Areas; Roadless Area Conservation” (66 Fed. Reg. 3244 (January 12, 2001)), as modified by section 17(b) of the Budget Control Act of 2011 (16 U.S.C. 2758c)

(c) LIMITATIONS.—Nothing in this section shall authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(d) COST-SHARING WAIVER.—

(1) GENERAL.—The non-Federal cost-share requirement of a project described in paragraph (2) may be waived at the discretion of the Secretary.

(2) PROJECT DESCRIBED.—A project referred to in paragraph (1) is a project that

(A) is carried out using funds made available under this section;

(B) requires a partnership agreement, including a cooperative agreement or mutual interest agreement;

(C) is subject to a non-Federal cost-share requirement.

(e) DEFINITIONS.—In this section:

(1) DECOMMISSION.—The term “decommission” means, with respect to a road—

(A) reestablishing native vegetation on the road;

(B) restoring any natural drainage, watershed function, or other ecological processes that were disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism and reestablishing stable slope contours; and

(C) effectively blocking the road to vehicular travel when feasible.

(2) ECOCOLOGICAL INTEGRITY.—The term “ecological integrity” has the meaning given the term in section 219.19 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) HAZARDOUS FUELS REDUCTION PROJECT.—The term “hazardous fuels reduction project” means an activity carried out on National Forest System land to reduce the ecological integrity and achieve the restoration of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of habitat, or the decommissioning of an unauthorized, temporary, or system road.

(4) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 23002. COMPETITIVE GRANTS FOR NON-FEDERAL FOREST LANDOWNERS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2028, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions of subsection (b), including to subsidize gross obligations for the principal amount of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property:

(1) $50,000,000 to provide multyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, or a governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 5921(c))) for projects that improve energy or water efficiency, or build climate resilience, of an eligible property;

(2) $1,500,000,000 to provide multyear, programmatic, competitive grants to a State agency, a local governmental entity, an agency or governmental entity of the District of Columbia, or a governmental entity of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 5921(c))) for projects that improve energy or water efficiency, or build climate resilience, of an eligible property;

(3) $1,500,000,000 to provide multyear, programmatic, competitive grants to an Indian Tribe, an Indian Tribal organization, or a nonprofit organization through the Urban and Community Forestry Assistance Act of 1978 (16 U.S.C. 2106(c)) for tree planting and related activities.

(b) WAIVER.—Any non-Federal cost-share requirement otherwise specified in this subtitle shall be interpreted to authorize funds of the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) enter into any agreement—

(A) to carry out a forest resilience, subject to the condition that subsection (b) of that section shall not apply; and

(B) to provide competitive grants under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 275yya) to provide grants to states and other eligible entities to provide payments to owners of land for implementation of forest practices on private forest land, that are determined by the Secretary, on the best available science, to provide measures in carbon sequestration and storage beyond customary practices on comparable land, subject to the conditions that—

(A) those payments shall not preclude landowners from participation in other public and private sector financial incentive programs; and

(B) subsection (h) of that section shall not apply; and

(2) $100,000,000 to provide grants under the wood innovation grant program under section 946(c) of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program and for the hauling of material removed to reduce hazardous fuels to locations where that material can be utilized, subject to the conditions that—

(A) the amount of such a grant shall not be more than $5,000,000; and

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to no more than 50 percent of the amount received under the grant, to be derived from non-Federal sources.

SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, for the cost of providing direct loans, the costs of modifying such loans, and for grants, as provided for and subject to terms and conditions of such loans, not to exceed $4,000,000,000, to fund projects that improve energy or water efficiency, enhance indoor air quality or sustainability, implement the use of zero-emission electricity generation, low-emission building materials or processes, energy storage, or building electrification strategies, or address climate resilience, of an eligible property:

(1) $575,500,000, to remain available until September 30, 2030, for the cost to the Secretary for information technology, research and evaluation, and administering and over-seeing the activities of the Conservation Innovation Grant program.

(2) $500,000,000, to remain available until September 30, 2029, for expenses of contracts.
or cooperative agreements administered by the Secretary; and
(4) $42,500,000, to remain available until September 30, 2023, for energy and water benchmark projects, properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants or loans, along with associated data management services, by the Foundation, at the property level, and the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

(b) LOAN AND GRANT TERMS AND CONDITIONS.—Amounts made available under this section shall be made available for loans, grants, or cooperative agreements administered by the Secretary for projects that support natural resources and marine mammal science, and ocean acidification, to enable coastal and marine resource dependent communities, marine fishery and wildlife-dependent communities, and for related administrative expenses.

(c) DEFINITIONS.—As used in this section—
(1) the term ‘eligible recipient’ means any owner or sponsor of an eligible property; and
(2) the term ‘eligible property’ means a property assisted pursuant to—
(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); (B) section 202 of the Housing Act of 1959 (former 12 U.S.C. 1701q), as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act; (C) section 202 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); (D) section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)); or (E) section 236 of the National Housing Act (12 U.S.C. 1715a–1); or
(F) a Housing Assistance Payments contract for Professional-Based Rental Assistance in fiscal year 2023.

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any project, as described in paragraphs (c) or (b) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(e) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds authorized by this section, and oversight of the program, and grants made available under this section, and shall carry out the program.

SEC. 30001. IN COASTAL COMMUNITIES AND CLIMATE RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until September 30, 2026, for the purposes of this section, and oversight of the program, and grants made available under this section, and shall carry out the program.

(b) WAIVER.—The Secretary may waive or specify alternative requirements for any project, as described in paragraphs (c) or (b) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(c) IMPLEMENTATION.—The Secretary shall have the authority to establish by notice any requirements that the Secretary determines are necessary for timely and effective implementation of the program and expenditure of funds authorized by this section, and oversight of the program, and grants made available under this section, and shall carry out the program.

SEC. 30002. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the construction of new facilities, facilities in need of replacement, piers, marine operations facilities, and fisheries laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Marine Sanctionary System established under section (c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)).

SEC. 30003. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to conduct more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, and the purchase of technical and scientific services and new equipment, and to improve agency transparency, accountability, and public engagement.

SEC. 30004. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER, OCEANS, AND CLIMATE.

(a) FORECASTING AND RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, to accelerate improvements and innovations in research, observation systems, modeling, forecasting, assessments, and dissemination of information to the public as it pertains to ocean and atmosphere research related to weather, coasts, oceans, and climate, and to carry out section 102(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8533(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and impacts to marine species and coastal habitat, and for related administrative expenses.

(c) COST SHARE.—The Federal share of the cost of a project carried out using grant...
funds under subsection (a) shall be 75 percent of the total proposed cost of the project, except that such Federal share shall increase to 90 percent of the total proposed cost of the project if the eligible entity is a small hub airport or nonhub airport, as such terms are defined in section 47102 of title 49, United States Code.

(ii) EMISIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (e)(7)(B), the Secretary shall, not later than 2 years after the date of enactment of this section, adopt a methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means:

(A) a State or local government, including the District of Columbia, other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a research institution;

(F) a person or entity engaged in the production, transportation, blending, or storage of sustainable aviation fuel in the United States from feedstocks in the United States that could be used to produce sustainable aviation fuel;

(G) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(H) nonprofit entities or nonprofit consortia with experience in sustainable aviation, low-emission aviation technologies, or other clean transportation research programs.

(2) FEEDSTOCK.—The term ‘feedstock’ means sources of hydrogen and carbon not originating from unrefined or refined petrochemicals.

(3) LAND-USE CHANGE VALUES.—The term ‘land-use change values’ means greenhouse gas emissions resulting from the conversion of land to the production of feedstocks and from the conversion of other land due to the displacement of crops or animals for which the original land was previously used.

(4) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term the ‘lifecycle greenhouse gas emissions’ means the combined greenhouse gas emissions from feedstock production, collection, or transportation of feedstock to fuel production facilities, conversion of feedstock to fuel, transportation and distribution of fuel, and fuel combustion in an aircraft, as well as from induced land-use change values.

(5) LOW-EMISSION AVIATION TECHNOLOGIES.—The term ‘low-emission aviation technologies’ means technologies produced in the United States, that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuel;

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term ‘sustainable aviation fuel’ means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons; and

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1788, Annex A1 (or such successor standard);

(C) is derived from biomass (in a similar manner as such term is defined in section 48K(c)(1) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon oxides;

(D) is not derived from palm fatty acid distillates; and

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate emission of core lifecycle greenhouse emissions and the induced land-use change values under a lifecycle methodology for sustainable aviation fuels similar to that adopted by the International Civil Aviation Organization with the agreement of the United States; or

(ii) the fuel production pathway achieves at least a 50 percent decrease of the aggregate attributional core lifecycle greenhouse gas emissions values and the induced land-use change values under another methodology that the Secretary determines is reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) stringent as the requirement under clause (i).

TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

PART A—ENERGY

SUBTITLE A—ENERGY PROGRAMS

PART 1—GENERAL PROVISIONS

SEC. 50111. DEFINITIONS.

In this subtitle:

(A) GREENHOUSE GAS.—The term ‘greenhouse gas’ means the meaning given in section 126a(a) of the Energy Policy Act of 1992 (42 U.S.C. 13259a(a)).

(B) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

(C) STATE.—The term ‘State’ means a State, the District of Columbia, and a United States Insular Area that is defined in section 6202 of the Energy Policy and Conservation Act (42 U.S.C. 6221 through 6326).

(4) STATE ENERGY OFFICE.—The term ‘State energy office’ has the meaning given to the term in section 126a(a) of the Energy Policy Act of 1992 (42 U.S.C. 13259a(a)).

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for—

(i) to carry out a program to award grants to State energy offices for developing and implementing a HOMES rebate program, including a plan—

(B) AMOUNT OF REBATE.—Subject to paragraph (3), under a HOMES rebate program, the amount of a rebate shall not exceed—

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall—

(2) IN GENERAL.—The Secretary shall reserve funds made available under paragraph (1) for each energy office as follows:

(1) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(2) to State energy offices if the application of the State energy office under subsection (b) is approved.

(3) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(A) administrative purposes; and

(B) providing technical assistance relating to activities carried out under this section.

(b) APPLICATION.—A State energy office seeking a grant under this section shall submit to the Secretary an application that includes a plan to implement a HOMES rebate program, including a plan—

(1) to carry out a program to award grants to State energy offices for developing and implementing a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, for purposes of measured performance home rebates;

(2) to use open-source advanced measurement and verification software, as approved by the Secretary, for determining and documenting the monthly and hourly (if available) weather-normalized energy use of a home before and after the implementation of a home energy efficiency retrofit, for purposes of measured performance home rebates;

(3) to value savings based on time, location, or greenhouse gas emissions; and

(4) for quality monitoring to ensure that each home energy efficiency retrofit for which a rebate is provided is documented in a certificate that—

(A) is provided by the contractor and certified by a third party to the homeowner; and

(B) details the work performed, the equipment and materials installed, and the projected energy savings or energy generation to support accurate valuation of the retrofit, to provide a contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim a rebate $200 for each home located in a disadvantaged community who receives a home energy efficiency retrofit for which a rebate is provided under the program; and

(5) to ensure that a homeowner or aggregator does not receive a rebate for the same upgrade through both a HOMES rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(7).

(c) HOMES REBATE PROGRAM.

(1) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall—

(2) IN GENERAL.—A HOMES rebate program carried out by a State energy office receiving a grant pursuant to this section shall—
(B) for multifamily building owners and aggregators carrying out energy efficiency upgrades of multifamily buildings—

(i) in the case of a retrofit that achieves modeled energy system savings of not less than 20 percent but less than 35 percent, $2,000 per dwelling unit, with a maximum of $250,000 per multifamily building;

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, $4,000 per dwelling unit, with a maximum of $400,000 per multifamily building; or

(iii) for measured energy savings, in the case of a multifamily building or portfolio of multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 per percent reduction of energy use per dwelling unit for the average multifamily building in the State; or

(II) 50 percent of the project cost; and

(C) for individuals and aggregators carrying out energy efficiency upgrades of a single-family home occupied by a low- or moderate-income household or a multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) $5,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; or

(ii) in the case of a retrofit that achieves modeled energy system savings of not less than 35 percent, the lesser of—

(I) $8,000 per single-family home or dwelling unit; and

(II) 80 percent of the project cost; and

(iii) for measured energy savings, in the case of a single-family home, multifamily building, or portfolio of single-family homes or multifamily buildings that achieves energy savings of not less than 15 percent—

(I) a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use per single-family home or dwelling unit, as applicable, for the average single-family home or multifamily building in the State; or

(II) 80 percent of the project cost.

(3) RETROBATES TO LOW- OR MODERATE-INCOME HOUSEHOLDS.—Notwithstanding paragraph (2), a State energy office carrying out a HOMES rebate program may not be redistributed to the Indian Tribes operating the program in proportion to the amount described in subsection (d)(1)(A) of this section.

(4) USE OF FUNDS.—A State energy office that receives a grant pursuant to this section may use not more than 20 percent of the grant amount for planning, administration, or technical assistance related to a HOMES rebate program.

(5) DATA ACCESS GUIDELINES.—The Secretary shall develop and publish guidelines for States relating to residential electric and natural gas energy data sharing and any other Federal or non-Federal programs.

(6) EXEMPTION.—Activities carried out by a State energy office using a grant awarded pursuant to this section shall be subject to the expenditure prohibitions and limitations described in section 420.18 of title 10, Code of Federal Regulations.

(7) PROHIBITION ON COMBINING REBATES.—A rebate provided under this section may not be combined with any other Federal grant or rebate, including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d)), for the same single upgrade.

(d) DEFINITIONS.—In this section:

(1) DISADVANTAGED COMMUNITY.—The term ‘disadvantaged community’ means a community that the Secretary determines, based on objective indices, and screening tools, is economically, socially, or environmentally disadvantaged.

(2) HOMES REBATE PROGRAM.—The term ‘HOMES rebate program’ means a HOMES or Owner Managing Energy Savings rebate program established by a State energy office as part of an approved State energy conservation plan under an Energy Program.

(3) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ‘low- or moderate-income household’ means an individual or family the total annual income of which is less than 80 percent of the median income of the area in which the individual or family resides, as reported by the Department of Housing and Urban Development, including an individual or family that has demonstrated eligibility for another Federal program with income restrictions equal to or below 80 percent of area median income.

SEC. 50122. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) APPROPRIATIONS.—

(1) FUNDS TO STATE ENERGY OFFICES AND INDIAN TRIBES.—Under this section, the Secretary shall provide to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Secretary—

(A) to award grants to State energy offices to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $1,275,000,000, to remain available through September 30, 2031; and

(B) to award grants to Indian Tribes to develop and implement a high-efficiency electric home rebate program in accordance with subsection (c), $225,000,000, to remain available through September 30, 2031.

(2) ALLOCATION.—

(A) STATE ENERGY OFFICES.—The Secretary shall reserve funds made available under paragraph (1)(A) for each State energy office—

(i) in accordance with the allocation formula for the State Energy Program in effect on January 1, 2022; and

(ii) to be distributed to an Indian Tribe if the application of the State energy office for the same qualification that includes a plan to implement a high-efficiency electric home rebate program.

(B) INDIAN TRIBES.—The Secretary shall reserve funds made available under paragraph (1)(B)—

(i) in a manner determined appropriate by the Secretary; and

(ii) to be distributed to an Indian Tribe if the application of the Indian Tribe under subsection (b) is approved.

(3) ADDITIONAL FUNDS.—Not earlier than 2 years after the date of enactment of this Act, any money reserved under—

(I) subparagraph (A) but not distributed under clause (ii) of that subparagraph shall be redistributed to Indian Tribes operated by a State energy office operating a high-efficiency electric home rebate program in proportion to the amount distributed to those State energy offices under that clause; and

(ii) subparagraph (B) but not distributed under clause (i) of that subparagraph shall be redistributed to the Indian Tribes operating a high-efficiency electric home rebate program in proportion to the amount distributed to those Indian Tribes under that clause.

(b) APPLICATION.—A State energy office or Indian Tribe seeking a grant under the program shall submit to the Secretary an application that includes a plan to implement a high-efficiency electric home rebate program, including—

(1) a plan to verify the income eligibility of eligible entities seeking a rebate for a qualified electrification project;

(2) a plan to allow rebates for qualified electrification projects at the point of sale in a manner that ensures that the income eligibility of an eligible entity seeking a rebate may be verified at the point of sale;

(3) a plan to ensure that an eligible entity demonstrating a rebate for a qualified electrification project through both a high-efficiency electric home rebate program and any other Federal grant or rebate program, pursuant to subsection (c)(6); and

(4) any additional information that the Secretary may require.

(c) HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.—

(1) IN GENERAL.—Under the program, the Secretary shall award grants to State energy offices and Indian Tribes to establish a high-efficiency electric home rebate program under which rebates shall be provided to eligible entities for qualified electrification projects.

(2) GUIDELINES.—The Secretary shall prescribe guidelines for high-efficiency electric home rebate programs, including guidelines for providing point of sale rebates in a manner consistent with the income eligibility requirements under this section.

(3) AMOUNT OF REBATE.—

(A) APPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of an appliance under a qualified electrification project shall—

(i) not more than $1,750 for a heat pump water heater; or

(ii) not more than $8,000 for a space heating or cooling; and

(3) a plan to implement a rebate in a manner that ensures that the income eligibility of an eligible entity receiving a rebate under this section may receive not more than a total of $14,000 in rebates.

(4) LIMITATIONS.—A rebate provided using funding under this section shall not exceed—

(A) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) 100 percent of the cost of the qualified electrification project for a household the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(B) in the case of an eligible entity described in subsection (d)(1)(B)—

(i) 50 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are households the annual income of which is not less than 80 percent and not greater than 150 percent of the area median income; and

(ii) not more than $1,600 for an electric load serving water heater; and

(iii) not more than $2,500 for electric wiring.

(B) NONAPPLIANCE UPGRADES.—The amount of a rebate provided under a high-efficiency electric home rebate program for the purchase of a nonappliance upgrade under a qualified electrification project shall be—

(1) not more than $1,400 for an electric load serving water heater; and

(2) not more than $1,600 for an electric load serving water heater; and

(3) not more than $2,500 for electric wiring.

(C) MAXIMUM REBATE.—An eligible entity receiving multiple rebates under this section may receive not more than a total of $14,000 in rebates.

(D) ADMINISTRATIVE EXPENSES.—Of the funds made available under paragraph (1), the Secretary shall use not more than 3 percent for—

(I) administrative purposes; and

(II) providing technical assistance relating to activities carried out under this section.
(ii) 100 percent of the cost of the qualified electrification project for a multifamily building not less than 50 percent of the residents of which are householders the annual income of which is less than 80 percent of the area median income; or

(C) in the case of an eligible entity described in subsection (d)(1)(C) that receives a rebate under the program and performs the installation of the applicable qualified electrification project, the State energy office or Indian Tribe shall provide to that eligible entity, in addition to the rebate, an amount that—

(i) does not exceed $500; and

(ii) is commensurate with the scale of the upgrades installed as part of the qualified electrification project, as determined by the Secretary.

(B) TREATMENT.—An amount received under subparagraph (A) by an eligible entity described in that subparagraph shall not be subject to the requirement under paragraph (6).

(6) REQUIREMENT.—An eligible entity described in subparagraph (C) of subsection (d)(1) shall discount the amount of a rebate received for a qualified electrification project from any amount charged by that eligible entity to the eligible entity described in subparagraph (A) or (B) of that subsection on behalf of which the qualified electrification project is carried out.

(7) EXEMPTION.—Activities carried out by a State energy office using a grant provided under the program shall not be subject to the expenditure prohibitions and limitations described in section 215 of title 10, Code of Federal Regulations.

(8) PROHIBITION ON COMBINING REBATES.—A rebate under this subsection (A) or (B) may be combined with any other Federal grant or rebate, including a rebate provided under a HOMES rebate program, for the same qualified electrification project.

(9) ADMINISTRATIVE COSTS.—A State energy office or Indian Tribe that receives a grant under the program shall use not more than 20 percent of the grant amount for planning, administration, or technical assistance relating to a high-efficiency electric home rebate program.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) a low- or moderate-income household;

(B) an individual or entity that owns a multifamily building not less than 50 percent of the residents of which are low- or moderate-income households; and

(C) a governmental, commercial, or non-profit entity, as determined by the Secretary, that—

(i) carries out a qualified electrification project on behalf of an entity described in subparagraph (A) or (B);

(ii) develops and implements a high-efficiency electric home rebate program’’ means a rebate program carried out by a State energy office or Indian Tribe pursuant to subsection (c) using a grant received under the program.

(3) INDIAN TRIBES.—The term ‘Indian Tribe’ means the term ‘Indian Tribe’ has the meaning given the term in section 3 of the Indian Reorganization Act of 1934 (42 U.S.C. 639).

(4) LOW- OR MODERATE-INCOME HOUSEHOLD.—The term ‘low- or moderate-income household’ means an individual or family the income of which is less than 80 percent of the area median income.

(5) PROGRAM.—The term ‘program’ means the program carried out by the Secretary under subsection (a).

(6) QUALIFIED ELECTRIFICATION PROJECT.—(A) IN GENERAL.—The term ‘qualified electrification project’ means a project that—

(i) includes the purchase and installation of—

(I) an electric heat pump water heater;

(II) an electric heat pump for space heating and cooling;

(III) an electric stove, cooktop, range, or oven;

(IV) an electric heat pump clothes dryer;

(V) an electric water heater; and

(VI) air sealing and materials to improve ventilation;

(ii) with respect to any appliance described in clause (i), the purchase of which is carried out—

(I) as part of new construction;

(II) to replace a nonelectric appliance; or

(III) as a first-time purchase with respect to that appliance; and

(iii) is carried out, or relating to, a single-family home or multifamily building, as applicable and defined by the Secretary.

(B) EXCLUSIONS.—The term ‘qualified electrification project’ does not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in subsection (a) is—

(i) not certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a), if applicable.

SEC. 50123. STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2023, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist electric utilities, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code or (codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings; or

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve not more than 5 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $330,000,000, to remain available through September 30, 2023, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b); and

(2) $670,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (b).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under subsection (a)(1) for grants to assist electric utilities, and units of local government that have authority to adopt building codes—

(1) to adopt—

(A) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings; or

(B) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(C) any combination of building energy codes described in subparagraph (A) or (B); and

(2) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under paragraph (1) in new and renovated residential or commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(d) STATE MATCH.—The State cost share requirement under the item relating to ‘‘Department of Energy—Energy Conservation’’ in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1661), shall not apply to assistance provided under this section.

(e) ADMINISTRATIVE EXPENSES.—Of the amounts made available under this section, the Secretary shall reserve not more than 5 percent for administrative expenses associated with developing and implementing a State program pursuant to that subsection.
(f) SOURCE OF PAYMENTS.—Section 1702(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) is amended by adding at the end the following:

"(3) SOURCE OF PAYMENTS.—The source of a payment received from a borrower under subparagraph (A) or (B) of paragraph (2) may not be a loan or other debt obligation that is made or guaranteed by the Federal Government.".

SEC. 50142. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury or otherwise appropriated, $3,600,000,000, to remain available through September 30, 2026.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury or otherwise appropriated, $5,000,000,000, to remain available through September 30, 2026, for the costs of guarantees made under section 1706 of the Energy Policy Act of 2005 (42 U.S.C. 16513), using the loan guarantee authority provided under subsection (a) of this section.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary may reserve not more than 3 percent for administrative expenses to carry out this section. For administrative costs of providing loans as described in subsection (a), the Secretary may reserve not more than 5 percent for administrative costs of making grants as described in subsection (a).

(d) LIMITATIONS.—

(1) CERTIFICATION.—None of the amounts made available under this section for loan guarantees shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section.

(2) DENIAL OF DOUBLE BENEFIT.—Except as provided under section 16062(e)(2)(C) of such Act (42 U.S.C. 16512(h)(3)), none of the amounts made available under this section for loan guarantees shall be available for commitments to guarantee loans for any projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangement that support the project or to obtain goods or services from the project.

(3) EXCEPTION.—Paragraph (2) shall not preclude the use of the loan guarantee authority provided under this section for commitments to guarantee loans for—

(A) projects benefiting from otherwise allowable Federal tax benefits; or

(B) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(i) paid by the lessee in cash;

(ii) deposited in the Treasury as offsetting receipts; and

(iii) equal to the fair market value;

(C) projects benefitting from the Federal insurance program under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2219); or

(D) electric generation projects using transmission lines owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee.

(e) GUARANTEE.—Section 1701(h)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16511(h)(A)) is amended by inserting "(i)" before the period at the end.

SEC. 50143. DOMESTIC MANUFACTURING CONVERSION VENTURES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available through September 30, 2031, to provide grants for domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) COST SHARING.—The Secretary shall require a recipient of a grant provided under subsection (a) to provide not less than 50 percent of the cost of the project carried out using the grant.

(c) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 3 percent of the amounts made available under subsection (a) for administrative costs of providing grants as described in subsection (a).

SEC. 50144. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, for projects under which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangement that support the project or to obtain goods or services from the project.

(b) COMMITMENT AUTHORITY.—In addition to amounts otherwise available, the Secretary may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(2)) to carry out this section.

(c) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

"SEC. 1706. ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.

"(a) IN GENERAL.—Notwithstanding section 1705 of this title, the Secretary may make guarantees, including refinancing, under this section only for projects that—

"(1) retool, repower, repurpose, or replace energy infrastructure that has ceased operations; or

"(2) enable operating energy infrastructure to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

"(b) INCLUSION.—A project under subsection (a) may include the remediation of environmental or damage associated with energy infrastructure.

"(c) REQUIREMENT.—A project under subsection (a)(1) that involves electricity generation through the use of fossil fuels shall be required to have controls or technologies to avoid, reduce, utilize, or sequester air pollutants and anthropogenic emissions of greenhouse gases.

"(d) APPLICATION.—To apply for a guarantee under this subsection, an applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including—

"(1) a detailed plan describing the proposed project;

"(2) an analysis of how the proposed project will engage with and affect associated communities; and

"(3) in the case of an applicant that is an electric utility, an assurance that the electric utility shall pass on any financial benefit from the guarantee made under this section to the customers of, or associated communities served by, the electric utility.

"(e) LIMITATION.—Notwithstanding section 1702(f), the term of an obligation shall require full repayment over a period not to exceed 30 years.

"(f) DEFINITION OF ENERGY INFRASTRUCTURE.—In this section, the term ‘energy infrastructure’ means a facility, and associated equipment, used for—

"(1) the generation or transmission of electric energy; or

"(2) the production, processing, and delivery of fossil fuels, fuel, petroleum, or petrochemical feedstocks.’’.

"(g) CONFORMING AMENDMENT.—Section 1705(b) of the Energy Policy Act of 2005 (42 U.S.C. 16512(b)(3)) is amended by inserting ‘‘and projects described in section 1706(a)’’ before the period at the end.

SEC. 50145. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available through September 30, 2028, to carry out activities under section 1706 of the Energy Policy Act of 2005.

(b) COMMITMENT AUTHORITY.—(1) In addition to amounts otherwise available, the Secretary may make commitments to guarantee loans for projects under section 1706 of the Energy Policy Act of 2005 the total principal amount of which is not more than $25,000,000,000, to be subject to the limitations that apply to loan guarantees under section 50141(d).

"(1) in paragraph (1), by striking ‘‘(i),’’ and inserting ‘‘(i), (ii),’’ after "(h)"; and

"(2) in paragraph (2), by striking ‘‘(ii)’’ and inserting ‘‘(ii), (iii),’’ after "(h)"; and

"(3) in paragraph (3), by striking ‘‘$20,000,000,000’’ and inserting ‘‘$20,000,000,000’’.

"(4) in paragraph (4), by striking ‘‘$2,000,000,000’’.
PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available through September 30, 2030, to carry out this section: Provided, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2030.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 796)).

(c) LOANS.—A direct loan provided under this section—

(1) shall have a term that does not exceed the lesser of—

(A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and

(B) 30 years;

(2) shall not exceed 80 percent of the project costs; and

(3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) INTEREST RATES.—A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) DEFINTION OF DIRECT LOAN.—In this section, the term “direct loan” has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

SEC. 50152. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—(1) IN GENERAL.—The Secretary may make a grant under this section to a sitting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the sitting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the sitting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory agency, for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the sitting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to—

(A) a sitting authority upon approval by the Secretary of an application for a direct loan under this section; or

(B) to any other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any agreement pursuant to this subsection that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant under this section, the Secretary shall require a sitting authority to agree, in writing, to reach a final decision on the application related to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary determines an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.—The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a sitting authority upon approval by the Secretary of an application for a direct loan under this section; or

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in an area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a sitting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the sitting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.—In this section:

(1) COVERED TRANSMISSION PROJECT.—The term “covered transmission project” means a high-voltage interstate or offshore electric transmission project that—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a sitting authority of such entity’s intent to apply, for regulatory approval.

(2) SITING AUTHORITY.—Any sitting authority means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

SEC. 50153. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to fund analysis and modeling regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, or national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system; and

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections of interturbine devices or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

SEC. 50161. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) OFFICE OF CLEAN ENERGY DEMONSTRATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Clean Energy Demonstrations, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,812,000,000, to remain available through September 30, 2026, to carry out this section.

(b) FINANCIAL ASSISTANCE.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility; or

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).
(c) APPLICATION.—To be eligible to receive financial assistance under subsection (b), 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 the expected greenhouse gas emissions reductions to be achieved by carrying out the project.

(d) Providing financial assistance under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.—The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out under this section.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require an eligible entity to provide administrative costs as determined by the Secretary.

(g) DEFINITIONS.—In this section:

(1) ADVANCED INDUSTRIAL TECHNOLOGY.—The term ‘advanced industrial technology’ means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 54(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17113(c)), and designed to accelerate greenhouse gas emissions reduction process to net-zero at an eligible facility, as determined by the Secretary.

(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.—The term ‘eligible facility’ means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) FINANCIAL ASSISTANCE.—The term ‘financial assistance’ means a grant, rebate, direct loan, or loan guarantee agreement.

PART 7—OTHER ENERGY MATTERS

SEC. 50171. DEPARTMENT OF ENERGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2022, for oversight of the Department of Energy, Energy Efficiency and Renewable Energy.

SEC. 50172. NATIONAL LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Director of the Office of Science, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2022—

(1) $133,210,000 to carry out activities for science laboratory infrastructure projects;

(2) $280,000,000 to carry out activities for fusion energy science construction and major items of equipment projects;

(3) $217,000,000 to carry out activities for nuclear fundamental and major items of equipment projects;

(4) $163,791,000 to carry out activities for advanced scientific computing research facilities;

(5) $294,500,000 to carry out activities for basic energy sciences projects; and

(6) $157,813,000 to carry out activities for isotopic resource and enrichment facilities.

(b) OFFICE OF NUCLEAR ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Nuclear Energy.

(c) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027, to carry out activities for infrastructure and general plant projects carried out by the Office of Energy Efficiency and Renewable Energy.

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available through September 30, 2027.

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 2001(a)(2) of the Energy Act of 2000 (42 U.S.C. 16281(a)(2));

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2000 (42 U.S.C. 16281), to the maximum extent practicable, the Department of Energy shall use competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2000 (42 U.S.C. 16281).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2000 (42 U.S.C. 16281) for the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50174. NUCLEAR SECURITY ACTIVITIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available through September 30, 2026, to carry out priority deferred maintenance projects and other projects that are determined by the Commission for Reclamation to be of high priority, including maintenance projects, through direct expenditures or transfers, within the boundaries of the National Park System.

PART 3—DROUGHT RESPONSE AND PREPAREDNESS

SEC. 50221. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $550,000,000, to remain available through September 30, 2027, for contracts, or financial assistance agreements for disadvantaged communities (identified according to criteria adopted by the Commissioner of Reclamation) determined by the Commissioner of Reclamation for up to 100 percent of the cost of the planning, design, or construction of water projects the primary purpose of which is to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies in a State or territory described in the first section of the Act of June 17, 1902 (43 U.S.C. 391; 32 Stat. 388, chapter 1093).

SEC. 50222. CANAL IMPROVEMENT PROJECTS.

In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Commissioner of Reclamation, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available through September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover water conveyance facilities with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau projects that increase water efficiency and assist in implementation of clean energy goals.
SEC. 50233. DROUGHT MITIGATION IN THE RECLAMATION STATES.

(a) DEFINITION OF RECLAMATION STATE.—In this section, the term ‘‘Reclamation State’’ means a State or territory described in this section, the term ‘‘Reclamation State’’ means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1063; 43 U.S.C. 391).

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary (acting through the Commissioner of Reclamation), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available through September 30, 2026, for grants, contracts, or financial assistance agreements with State and local governments, or with the reclamation laws, to or with public entities and Indian Tribes, that provide for the conduct of the following activities to mitigate the impacts of drought in the Reclamation States, with priority given to the Colorado River Basin and other basins experiencing comparable levels of long-term drought, to be implemented in compliance with applicable environmental law:

(1) Compensation for a temporary or multiyear voluntary reduction in diversion of water for water use.

(2) Voluntary system conservation projects that achieve verifiable reductions in use of or demand for water supplies or provide environmental benefits in the Lower Basin or inland water basins.

(3) Ecosystem and habitat restoration projects to address issues directly caused by drought in a river basin or inland water body.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to Congress a report that describes any expenditures under this section.

PART 4—INSULAR AFFAIRS

SEC. 50241. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available through September 30, 2026, to provide technical assistance for climate change planning, mitigation, adaptation, and resilience to United States territories.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Secretary, acting through the Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000, to remain available through September 30, 2026, for necessary administrative expenses associated with carrying out this section.

PART 5—OFFSHORE WIND

SEC. 50251. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary may grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) by refunding the proceeds from of the Outer Continental Shelf from Leasing Disposition and withdrawn by

(1) the Presidential memorandum entitled ‘‘Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 8, 2020; or

(2) the Presidential memorandum entitled ‘‘Presidential Determination on the Withdrawal of the United States Outer Continental Shelf from Leasing Disposition’’ and dated September 25, 2020.

(b) OFFSHORE WIND FOR THE TERRITORIES.—

(1) OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) ONSHORE OIL AND GAS Royalty Rates.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ‘‘12.5’’ and inserting ‘‘16’’; and

(ii) by striking ‘‘or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, 16 percent in amount or value of the production removed from the lease’’ before the period at the end; and

(B) by striking ‘‘12.5 percent’’ each place it appears and inserting ‘‘16 percent’’.

(2) VOLUNTARY LEASE AGREEMENTS.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ‘‘16 percent’’ each place it appears and inserting ‘‘20 percent’’.

(3) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ‘‘$2 per acre’’ and inserting ‘‘$10 per acre’’.

(b) OIL AND GAS RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ‘‘$0.50 per acre’’ and inserting ‘‘$10 per acre’’ during the period at the end and inserting ‘‘$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, $15 per acre per year thereafter’’.

(2) RENTALS IN REINSTATED LEASES.—

SEC. 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ‘‘$10’’ and inserting ‘‘$20’’.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

(1) in each of subparagraphs (A) and (C), by striking ‘‘not less than 12 1⁄2 per centum’’ each place it appears and inserting ‘‘not less than 16 per centum’’;

(2) in subparagraph (F), by striking ‘‘no less than 12 1⁄2 per centum’’ and inserting ‘‘not less than 16 per centum’’; and

(3) in subparagraph (H), by striking ‘‘no less than 12 1⁄2 per centum’’ and inserting ‘‘not less than 16 per centum’’.

SEC. 50262. MINERAL LEASING ACT MODERNIZATION.

(c) ONSHORE OIL AND GAS Royalty Rates.—

(1) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(A) in subsection (b)(1)(A), in the fifth sentence—

(i) by striking ‘‘12.5’’ and inserting ‘‘16’’; and

(ii) by inserting ‘‘or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, 16 percent in amount or value of the production removed from the lease’’ before the period at the end; and

(B) by striking ‘‘12.5 percent’’ each place it appears and inserting ‘‘16 percent’’.

(2) VOLUNTARY LEASE AGREEMENTS.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ‘‘16 percent’’ each place it appears and inserting ‘‘20 percent’’.

(3) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(B), in the first sentence, by striking ‘‘$2 per acre’’ and inserting ‘‘$10 per acre’’.

(b) OIL AND GAS RENTAL RATES.—

(1) ANNUAL RENTALS.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended, in the first sentence, by striking ‘‘$0.50 per acre’’ and inserting ‘‘$10 per acre’’ during the period at the end and inserting ‘‘$3 per acre per year during the 2-year period beginning on the date the lease begins for new leases and after the end of that 2-year period, $5 per acre per year for the following 6-year period, and not less than $15 per acre per year thereafter, or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, $15 per acre per year thereafter’’.

(2) RENTALS IN REINSTATED LEASES.—

SEC. 31(e)(2) of the Mineral Leasing Act (30 U.S.C. 188(e)(2)) is amended by striking ‘‘$10’’ and inserting ‘‘$20’’.

(d) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

(1) in each of subparagraphs (A) and (C), by striking ‘‘not less than 12 1⁄2 per centum’’ each place it appears and inserting ‘‘not less than 16 per centum’’;

(2) in subparagraph (F), by striking ‘‘no less than 12 1⁄2 per centum’’ and inserting ‘‘not less than 16 per centum’’; and

(3) in subparagraph (H), by striking ‘‘no less than 12 1⁄2 per centum’’ and inserting ‘‘not less than 16 per centum’’.
shall be $5 per acre of the area covered by
(B), the fee assessed under paragraph (1)
shall, by regulation, not less frequently than
the following:

(1) Royalty Reduction in Reinstated
Leases.—In acting on a petition for rein-
statement pursuant to subsection (d)’;

(2) by striking subsection (i), and

(3) by striking subsections (g)
through (j) as subsections (f) through (i), re-
spectively.

SEC. 5263. ROYALTIES ON ALL EXTRACTED
METHANES.—

(a) IN GENERAL.—For all leases issued after
the date of enactment of this Act, except as
provided in subsection (b)(1), the appropria-
tions paid for gas produced from Federal land and on
the outer Continental Shelf shall be assessed on
all gas produced, including all gas that is
consumed or lost by venting, flaring, or neg-
ligent releases through any equipment dur-
ing upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to—

(1) gas vented or flared for not longer than
48 hours in an emergency situation that
poses a danger to human health, safety, or
the environment;

(2) gas used or consumed within the area
of the lease, unit, or communitized area
for the benefit of the lease, unit, or communitized
area; or

(3) gas that is unavoidably lost.

SA 5282. Mr. TILLIS submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
provide for reconciliation pursuant to title
II of S. Con. Res. 14; which was ordered
to lie on the table; as follows:

SEC. 1. 001. SAFEGUARDING PATIENT ACCESS TO
Cutting-edge Therapies by Protecting
Small Businesses From Onerous Permanent
Mandates and Catastrophic Penalties
Under the New Federal Program

SEC. 1. 002. REDUCTION OF ADDITIONAL IRS
FUNDING FOR ENFORCEMENT.

Section 305(a)(1)(A)(i)(II) of the Clean Air Act (42 U.S.C. 7403(a)(1)(II)) of this Act is
amended by striking ‘‘$45,637,400,000’’ and in-
serting ‘‘$45,637,600,000’’.

SA 5283. Mr. TILLIS submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
provide for reconciliation pursuant to title
II of S. Con. Res. 14; which was ordered
to lie on the table; as follows:

SEC. 11005. ENSURING ACCESS FOR MEDICARE
BENEFICIARIES TO GENETICALLY
TARGETED TECHNOLOGIES.—A drug product using a geneti-
cally targeted technology including cell,
gene, siRNA, and radio ligand therapies.

SA 5285. Mr. CRUZ submitted an
amendment intended to be proposed to
amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
provide for reconciliation pursuant to title
II of S. Con. Res. 14; which was ordered
to lie on the table; as follows:

SEC. 60106. FUNDING FOR ADDRESS AIR POLLU-
TION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)-(c)) and section 105 of that Act (42 U.S.C. 7405).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, for grants and other activities to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(c) TO IDENTIFY AND MITIGATE ONGOING AIR POLLUTION HAZARDS.

(1) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘‘greenhouse gas’’ means any air pollutant carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60107. FUNDING FOR SECTION 211(I) OF THE
CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2023, for grants and other activities to monitor and reduce greenhouse gas emissions and other air pollutants at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)-(c)) and section 105 of that Act (42 U.S.C. 7405).
SEC. 60108. FUNDING AND IMPLEMENTATION OF THE AMERICAN RECOVERY AND REINVESTMENT ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211 of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(b) INVESTMENTS IN ADVANCED BIOFUELS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, for new grants to industry and other related activities under section 211 of the Clean Air Act (42 U.S.C. 7545(o)) to support investments in advanced biofuels.

(c) DEFINITION OF GREENHOUSE GAS.—In this section, the term "greenhouse gas means the air pollutants carbon dioxide, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

SEC. 60109. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2026, to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(3), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 60110. ENVIRONMENTAL PRODUCT DECARBONIZATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2021—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure compliance with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(b) IMPLEMENTATION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2021—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or

(2) to acquire necessary devices on which to run such inspection software.

SEC. 60111. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 60103 of this Act, the following:

SEC. 135. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028 for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to States, Indian tribes, and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations.

(b) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsection (a) through (c) of section 103 for methane emissions monitoring.

(c) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to States, Indian tribes, and operators of applicable facilities to prepare and submit greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations.

(c) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

(c) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal unconventional wells.

(c) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal conventional wells.

(c) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2028, for activities described in paragraphs (1) through (4) of subsection (a) at marginal unconventional wells.
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“(4) Onshore natural gas transmission compression.

“(5) Underground natural gas storage.

“(6) Liquefied natural gas storage.

“(7) Other natural gas import and export equipment.

“(8) Onshore petroleum and natural gas gathering and boosting.

“(9) Onshore natural gas transmission pipeline.

“(e) CHARGE AMOUNT.—The amount of a charge under subsection (c) for an applicable facility shall be equal to the product obtained by—

“(1) the number of metric tons of methane emissions reported pursuant to subparagraph W of part 98 of title 40, Code of Federal Regulations, for the applicable facility that exceed the applicable annual waste emissions threshold listed in subsection (f) during the previous reporting period; and

“(2)(A) $900 for emissions reported for calendar year 2024;

“(B) $1,500 for emissions reported for calendar year 2025 and each year thereafter.

“(f) WASTE EMISSIONS THRESHOLD.—

“(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting a charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

“(A) 0.20 percent of the natural gas sent to sale from such facility; or

“(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

“(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (3), (6), (7), or (8) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from or through such facility.

“(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (4), subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from or through such facility.

“(4) COMMON OWNERSHIP OR CONTROL.—In calculating the total emissions charge obligation for facilities under common ownership or control, the Administrator shall allow for the netting of emissions by reducing the total obligation to account for facility emissions. Levels that are below the applicable thresholds within and across all applicable segments identified in subsection (d).

“(5) EXEMPTION.—Charges shall not be imposed pursuant to paragraph (1) on emissions that exceed the waste emissions threshold specified in such paragraph if such emissions are caused by unreasonable delay, as determined by the Administrator, in implementing permitting of gathering or transmission infrastructure necessary for offtake of increased volume as a result of methane emissions implementation.

“(6) EXEMPTION FOR REGULATORY COMPLIANCE.—

“(A) IN GENERAL.—Charges shall not be imposed pursuant to paragraph (c) on an applicable facility that is subject to and in compliance with methane emissions requirements pursuant to subsections (b) and (d) of section 111 upon a determination by the Administrator that—

“(i) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facilities; and

“(ii) compliance with the requirements described in clause (1) will result in equivalent or greater emissions reductions as would be achieved by the proposed rule of the Administrator entitled ‘Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review’ (86 Fed. Reg. 63110 (November 15, 2021)), if such rule had been finalized and implemented.

“(B) RESUMPTION OF CHARGE.—If the conditions in clause (1) or (ii) of subparagraph (A) cease to apply after the Administrator has made the determination in that subparagraph, the applicable facility will again be subject to the charge under subsection (c) beginning in the first calendar year in which the conditions in either clause (1) or (ii) of that subparagraph are no longer met.

“(7) PLUGGED WELLS.—Charges shall not be imposed with respect to the emissions rate from any well that has been permanently shut-in and plugged in the previous year in accordance with the applicable closure requirements, as determined by the Administrator.

“(g) PERIOD.—The charge under subsection (c) shall be imposed and collected beginning with respect to emissions reported for calendar year 2024 and for each year thereafter.

“(h) REPORTING.—Not later than 2 years after the date of enactment of this section, the Administrator shall revise the requirements of paragraph (2) to implement a system of reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data, including data collected pursuant to sub- section (a)(4), accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be prescribed by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

“(1) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ includes carbon dioxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.”

SEC. 60112. CLIMATE POLLUTION REDUCTION GRANTS.

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 60111 of this Act, the following:

“SEC. 136. GREEN POLLUTION PLANS AND IMPLEMENTATION GRANTS.

“(a) APPROPRIATIONS.—

“(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.—In addition to amounts otherwise available, there is appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

“(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.—In addition to amounts otherwise available, there is appropriated, $250,000,000, to remain available until September 30, 2031, to carry out subsection (c).

“(3) ADMINISTRATIVE COSTS.—Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, to provide technical assistance to eligible entities, to develop a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that are designed to facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

“(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

“(1) IN GENERAL.—The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (a).

“(2) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application that—

“(A) describes low-income and disadvantaged communities and projects that would be negatively impacted by the implementation of the plan submitted by that entity.

“(B) demonstrates the extent to which a grant under this subsection can be used as a model by grantees in developing their plans.

“(C) provides technical assistance to eligible entities to develop a plan that could be used as a model.

“(D) is used to develop plans or existing plans under this section, to provide technical assistance to eligible entities, to develop a plan that could be used as a model.

“(E) provides technical assistance to eligible entities to develop a plan that could be used as a model.

“(F) as determined by the Administrator.

“(2) FUNDING.—The Administrator shall require, which such application shall include information regarding the degree to which greenhouse gas air pollution is projected to be reduced in total and with respect to low-income and disadvantaged communities.

“(3) PROGRAMS AND CONDITIONS.—The Administrator shall make funds available to an entity under this subsection in such amounts, upon such a schedule, and subject to such terms and conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

“(4) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State;

“(B) an air pollution control agency; and

“(C) a municipality;

“(D) an Indian tribe; and

“(E) a group of one or more entities listed in paragraphs (A) through (D).

“(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ means the air pollutants carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.”

SEC. 60113. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the development of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, models, and guidance to improve agency transparency, accountability, and public engagement.
SEC. 60114. LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) In General.—In addition to amounts otherwise appropriated, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section and to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration for construction materials used in highway projects and the Administrator of General Services for construction materials used for Federal buildings, to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, based on:

(1) environmental product declarations; or
(2) determinations by State agencies, as verified by the Administrator of the Environmental Protection Agency.

(b) Definition of Greenhouse Gas.—In this section, the term ‘greenhouse gas’ means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

**SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.**

SA 5286. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194, proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. EXEMPTION OF GRANTS FROM TAX TREATMENT.

(a) In General.—Section 421 of the Coronavirus Economic Relief for Transportation Services Act (15 U.S.C. 9111) is amended by adding at the end the following new subsection:

(‘g’) Tax Treatment.—For purposes of the Internal Revenue Code of 1986—

(1) no amount shall be included in the gross income of the eligible provider of transportation services by reason of a grant under this section,

(2) no deduction shall be denied, no tax attribute shall be reduced, and no basis increase shall be denied, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of an eligible provider of transportation services which is a partnership or S corporation—

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 706 and 1396 of such Code, and

(B) except as provided by the Secretary of the Treasury (or the Secretary’s delegate), any increase in the adjusted basis of a partner’s interest in a partnership or S corporation—

(A) attributable to a grant under paragraph (1) shall equal the partner’s distributive share of deductions resulting from costs described in subsection (d) which are paid using a grant under this section.

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after the date of enactment of the Coronavirus Economic Relief for Transportation Services Act.

SA 5287. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike part 6 of subtitle D of title I.

Strike sections 50261 and 50262.

SA 5288. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike sections 50261 and 50262.

SA 5289. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 43, strike lines 3 through 7 and insert the following:

SEC. 137. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

SA 5290. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 20002. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

**SEC. 13A. SUMMER ELECTRONIC BENEFIT TRANSFER FOR CHILDREN PROGRAM.**

(a) Definitions.—In this section:

(1) Covered Indian Tribal Organization.—The term ‘covered Indian Tribal organization’ means an Indian Tribal organization that participates in the special supplemental nutrition program.

(2) Eligible Child.—The term ‘eligible child’ means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(C) enrolled in a school—

(i) described in paragraph (2), (B), (C), (D), or (E) of section 11(a)(1); or

(ii) that is under a local educational agency that elects to receive special assistance payments under subparagraph (F) of that section.

(3) Eligible Household.—The term ‘eligible household’ means a household that includes at least 1 eligible child.

(4) Program.—The term ‘program’ means the program established under subsection (b).

(b) Special Supplemental Nutrition Program.—The term ‘special supplemental nutrition program’ means the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(6) Summer EBT Benefits.—The term ‘summer EBT benefits’ means benefits provided under the program, during the summer months, through electronic benefit transfer.

(7) Supplemental Nutrition Assistance Program.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 1410 et seq.).

(b) Establishment.—The Secretary shall establish a program, to be known as the ‘Summer Electronic Benefit Transfer for Children Program’, under which States and covered Indian Tribes participating in the program shall, for summer 2024 and summer 2025, issue summer EBT benefits...
to eligible households for the purpose of providing nutrition assistance during the summer months to ensure children have continued access to food when school is not in session.

"(c) Use of Benefits.—

"(1) In general.—Except as provided in paragraph (2), summer EBT benefits issued by a State in the form of cash or in the form of a transfer card or prepaid access to food when school is not in session may be used only to purchase food (as defined in section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) from retail food stores that have been approved for participation in—

"(A) the supplemental nutrition assistance program described in section 9 of that Act (7 U.S.C. 2018); or

"(B) a nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa that is funded by a grant from the Department of Agriculture.

"(2) States participating in WIC.—In the case of a State participating in the program that participated in a demonstration project carried out under section 790(g) of the Agriculture, Rural Development, Food and Drug Administration, Rural Housing, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132), during calendar year 2018 using a special supplemental nutrition program model, summer EBT benefits may be used to purchase supplemental foods (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b))) from retailers that have been approved for participation in—

"(A) the special supplemental nutrition program; or

"(B) the program under this section.

"(3) Covered Indian Tribal Organizations.—Summer EBT benefits issued by a covered Indian Tribal organization participating in the program may only be used to purchase the supplemental foods described in paragraph (2).

"(d) Amount.—Summer EBT benefits issued under the program shall be in an amount, per summer month for each eligible child in an eligible household, that is—

"(1) for calendar year 2023, equal to $65; and

"(2) for calendar year 2025, equal to the amount described in paragraph (1), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan of the appropriate USDA Regional Price Series (section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)) for the 12-month period ending on November 30 of the preceding calendar year.

"(e) Form of Benefits.—Summer EBT benefits may be issued—

"(1) in the form of an electronic benefit transfer card; or

"(2) through electronic delivery.

"(f) Enrollment in Program.—

"(1) State Requirements.—States participating in the program shall—

"(A) automatically enroll eligible children in the program without further application; and

"(B) require local educational agencies to allow eligible households to opt out of participation in the program; and

"(ii) establish procedures for opting out of such participation.

"(2) Covered Indian Tribal Organization Requirements.—Covered Indian Tribal organizations participating in the program shall, to the extent practicable, meet the requirements described in subparagraphs (A) and (B) of paragraph (1).

"(g) Alternative Plans in the Case of Continuous School Calendar.—The Secretary shall establish an alternative method for determining the schedule and number of days during which summer EBT benefits may be issued under the program in the case of children who are under a continuous school calendar.

"(i) Funding.—

"(1) In general.—In addition to amounts otherwise available, there is appropriated to the Secretary, for each of fiscal years 2023 through 2025, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies), to remain available for the 2-fiscal year period following the date such amounts are made available.

"(2) Implementation Grant Funding.—In addition to amounts otherwise available, including under paragraph (1), there is appropriated to the Secretary for fiscal year 2024, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out subsection (g).

"(j) Sunset.—The authority under this section shall terminate on September 30, 2025.

SA 5293. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill S. 3537, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SA 5294. Mr. MERKLEY (for himself and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 384, line 5, and insert the following:

"(g) Transfer of Credit.—

"(1) In General.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer acquires a new clean vehicle and elects the application of this subsection with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowed to the eligible entity identified if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

"(2) Eligible Entity.—For purposes of this subsection, the term ‘eligible entity’ means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer who sold such vehicle to the taxpayer and has—

"(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary shall prescribe.

"(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclosed to the taxpayer purchasing such vehicle—

"(i) the manufacturer’s suggested retail price,
Ohio Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))) to engage in the sale of vehicles.

"(B) NATIONAL GOVERNMENT.—For purposes of this subsection, the term 'Indian tribal government' means the recognized governing body of any Indian or Alaska Native tribe, band, community, association, band, incorporated tribe, band, community, band or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131)."

(f) WITHDRAWAL OF CERTAIN AREAS OFFERED FOR LEASE.—

SEC. 34. RIGHT TO REQUEST WITHDRAWAL.

(a) WITHDRAWAL OF CERTAIN AREAS OFFERED FOR LEASE.

(b) REPAIR, REPLACEMENT, CONSTRUCTION.—

(c) FUNDING FOR HOUSING.

(d) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(e) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(f) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(g) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(h) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(i) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(j) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(k) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(l) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(m) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(n) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(o) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(p) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(q) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(r) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(s) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(t) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(u) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(v) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(w) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(x) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(y) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.

(z) RENTAL ASSISTANCE FOR EXTREMELY LOW-INCOME FAMILIES.
(a) A nonprofit organization that has expertise in community planning, engagement, organizing, housing and community development;

(b) A community development corporation;

(c) A community housing development organization;

(d) A community-based development organization;

(e) A community development financial institution;

(f) A community development corporation or the lead applicant has experience in managing affordable housing programs, or has established an affordable housing program in the past.

(2) Joint Applicants.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian Tribe;

(E) State housing finance agency;

(F) land bank;

(G) a fair housing enforcement organization, as defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3636a);

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) Fees for the Costs of Administering the Fund.—In this section referred to as the “Fund”) to award grants from the Fund to eligible applicants.

(b) Establishment of Fund.—The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) shall establish a Community Restoration and Revitalization Fund under section 103 of the Community Development Act of 1987 (42 U.S.C. 5305) and under this section for community-led affordable housing and civic infrastructure projects.

(c) Eligible Geographical Areas, Recipients, and Applicants.—

(1) Geographical Areas.—The Secretary shall establish grants from the Fund to eligible recipients in geographical areas at the neighborhood, county, or census tract level and census tracts adjacent to the project area that are areas of concentrated poverty, expand, and maintain community land trusts and shared equity homeownership through the acquisition, rehabilitation, and new construction of affordable housing units.

(2) Joint Applicants.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian Tribe;

(E) State housing finance agency;

(F) land bank;

(G) a fair housing enforcement organization, as defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3636a);

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) Fees for the Costs of Administering the Fund.—In this section referred to as the “Fund”) to award grants from the Fund to eligible applicants.

(c) Eligible Geographical Areas, Recipients, and Applicants.—

(1) Geographical Areas.—The Secretary shall establish grants from the Fund to eligible recipients in geographical areas at the neighborhood, county, or census tract level and census tracts adjacent to the project area that are areas of concentrated poverty, expand, and maintain community land trusts and shared equity homeownership through the acquisition, rehabilitation, and new construction of affordable housing units.

(2) Joint Applicants.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian Tribe;

(E) State housing finance agency;

(F) land bank;

(G) a fair housing enforcement organization, as defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3636a);

(H) a public housing agency;

(I) a tribally designated housing entity; or

(J) a philanthropic organization.

(3) Fees for the Costs of Administering the Fund.—In this section referred to as the “Fund”) to award grants from the Fund to eligible applicants.

(d) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Community Land Trust.—The term “community land trust” means a nonprofit organization or State or local governments or instrumentalities that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(i) make rental and homeownership units affordable to households; and

(ii) stipulate a pre-emptive option to purchase the affordable rentals or homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(B) monitor properties to ensure affordability is preserved.

(2) Shared Equity Homeownership Program.—The term “shared equity homeownership program” means a program to facilitate affordable homeownership preservation through a resale restriction program administered by nonprofit organizations, or State or local government or instrumentalities and that utilizes a ground lease, deed restriction, subordinated loan, or similar mechanism with provisions ensuring that the program shall—

(A) maintain the home as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation; and

(B) apply a resale formula that limits the homeowner’s proceeds upon resale; and

(C) provide the program administrator or such administrator’s assignee a preemptive option to purchase the homeownership unit from the homeowner.

(e) Implementation.—The Secretary shall have authority to issue such regulations, no-
(i) of paragraph (1)(A), as applicable, with respect to eligible students enrolled in such eligible Tribal College or University (based on full-time equivalent enrollment); or
“(ii) an estimate of the number of eligible students enrolled in such eligible Tribal College or University for the 2022–2023 award year, determined by the Secretary that community colleges operated or controlled by such State are able to set tuition and fees charged to eligible students attending community colleges operated or controlled by the State to $0 as required by section 788(a) without such State share.
“(D) No Double Counting Funds.—Except with respect to funding described in paragraph (2)(A), no funds that count toward the maintenance of effort requirement under section 788(c) may also count toward the State share under this subsection.
“(E)及其他 RULE FOR OUTLYING AREAS AND TERRITORIES.—
“(i) In General.—If the Secretary determines that requiring an outlying area or territory to provide the State share even if the State is able to set tuition and fees charged to eligible students attending community colleges operated or controlled by the State to $0 as required by section 788(a) without such State share, the Secretary shall adjust the Federal share for such area or territory.
“(ii) Definition.—For the purposes of this subparagraph, the term ‘outlying area or territory’ means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.
“(F) INCLUSION OF STATE FINANCIAL AID AND LOCAL FUNDS.—In the case of a State that demonstrates to the satisfaction of the Secretary that students are in such State that provide financial aid (including revenue derived from tuition and fees) that are applied toward the cost of attendance, in accordance with subsection (4), the Secretary shall include receipt of such revenues to the extent that such revenues are not included under paragraph (2)(B).

SEC. 795. APPLICATIONS.

In order to receive a grant under section 785, a State or eligible Tribal College or University shall submit an application to the Secretary that includes—

“(a) an estimate of the number of eligible students enrolled in the community colleges operated or controlled by the State or in the eligible Tribal College or University for the 2022–2023 award year.

SEC. 796. PROGRAM REQUIREMENTS.

“(a) General Requirements.—As a condition of receiving a grant under section 785 in any award year, a State or eligible Tribal College or University shall—

“(1) ensure that the total amount of tuition and fees charged to an eligible student attending a community college operated or controlled by the State or eligible Tribal College or University, as applicable, is $0;

“(2) not apply financial assistance for which an eligible student qualifies to tuition or fees; and

“(3) use any funds provided under this part for administrative purposes relating to such grant.

“(b) State Requirements.—In addition to the requirements under subsection (a) and as a condition of receiving a grant under section 785, a State shall—

“(1) submit and implement a plan to align the requirements for receiving a regular high school diploma from public schools in the State with the requirements for entering credit-bearing coursework at community colleges in such State; and

“(2) not later than 3 years after the date on which the State first receives a grant under section 785, certify to the Secretary that such alignment has been achieved.

“(c) State Maintenance of Effort.—A State receiving a grant under section 785 is entitled to retain the amount of funds under this part for a fiscal year only if, for each year of the grant, the State provides—

“(1) State fiscal support for higher education per full-time equivalent student at a level equal to or exceeding the average amount of State fiscal support for higher education per full-time equivalent student provided for the 3 consecutive preceding fiscal years;

“(2) financial support for operating expenditures (excluding capital expenses and research and development costs) for public 4-year institutions of higher education at a level equal to or exceeding the average amount provided for the 3 consecutive preceding State fiscal years; and

“(3) financial support for need-based financial aid at a level equal to or exceeding the average amount provided for the 3 consecutive preceding State fiscal years.

“(d) No Additional Eligibility Requirements.—A State or eligible Tribal College or University that receives a grant under section 785 may not impose additional eligibility requirements on eligible students other than the requirements under this part.

SEC. 797. ADDITIONAL USES OF FUNDS.

“(a) In General.—Except as provided in subsection (b)—

“(1) an estimate of the number of eligible students enrolled in such eligible Tribal College or University for the purpose of carrying out this part.

“(2) the inclusion of funds described in paragraph (2)(A) as part of a State’s share shall meet the requirements for community colleges in such State for the purpose of calculating such share.

“(3) a description of how the State or eligible Tribal College or University will ensure that programs leading to a recognized postsecondary credential meet the State criteria established by the State under section 122(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(b)(1)) or other Federal criteria, as applicable, established by the Secretary.
"(1) A State shall award grants, through allotments in accordance with subsection (b), to covered States for the purpose of assisting the covered States in reducing the costs of eliminating community college tuition in accordance with this part.

"(b) ALLOTMENTS.—For each fiscal year for which amounts are available under subsection (a), the Secretary shall make allotments under this section to each State for which an allotment was made for the preceding fiscal year, in an amount that the Secretary determines is appropriate to carry out the purposes of this section.

"(c) USE OF FUNDS.—A State receiving an allotment under this section shall use the allotment to assist in paying the State share of the program under this section.

"(d) STATE SHARE EXCEPTION.—Notwithstanding section 786 or any other provision of this title, a State shall not include amounts from allotments provided under this section in the calculation of the Federal share of a grant under section 785.

"(e) DEFINITION OF COVERED STATE.—In this section, the term ‘covered State’ means a State that—

"(i) has been enrolled in the Community College Student Financial Aid Program for at least 2 years;

"(ii) has received an allotment under section 785;

"(iii) uses the allotment to assist in paying the State share of the program under this section in the manner determined by the Secretary; and

"(iv) has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the community college tuition and fees of the State for such award year were set to zero pursuant to section 788.

"(f) A PPROPRIATIONS.—In addition to amounts otherwise available there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2030.

"SEC. 791. DEFINITIONS.

"In this section:

"(1) CAREER PATHWAY.—The term ‘career pathway’ has the meaning given in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(2) COMMUNITY COLLEGE.—The term ‘community college’ means—

"(A) a degree-granting public institution of higher education at which—

"(i) the highest degree awarded is an associate degree; or

"(ii) an associate degree is the predominant degree awarded;

"(B) an eligible Tribal College or University;

"(C) a degree-granting branch campus of a 4-year public institution of higher education, if, at such branch campuses—

"(i) the highest degree awarded is an associate degree; or

"(ii) an associate degree is the predominant degree awarded; or

"(D) at the designation of the Secretary, an institution that meets the definition under section 483 for the applicable award year for purposes of the State share described in section 786 for the applicable award year for which the student is enrolled.

"(3) ELIGIBLE TRIBAL COLLEGE OR UNIVERSITY.—The term ‘eligible Tribal College or University’ means—

"(A) an institution that—

"(i) is a 2-year Tribal College or University; or

"(ii) a degree-granting Tribal College or University—

"(I) at which the highest degree awarded is an associate degree; or

"(II) at which the highest degree awarded is the predominant degree awarded.

"(B) a State that—

"(i) is a State that has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the community college tuition and fees of the State for such award year were set to zero pursuant to section 788.

"(C) is eligible to receive a supplemental grant under section 790.

"(D) has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the community college tuition and fees of the State for such award year were set to zero pursuant to section 788.

"(E) in the case of a student who is a United States citizen, has filed a Free Application for Federal Student Aid described in section 483 for the applicable award year for which the student is enrolled.

"(F) is in existence on October 1, 2022.

"(G) is a postsecondary educational institution that—

"(i) is certified under section 484.

"(ii) is accredited by a nationally recognized accrediting agency or council.

"(iii) is approved by the Secretary.

"(iv) is recognized by the State as eligible to participate in Federal student assistance programs.

"(H) is operating or controlled by such State for operating expenses (excluding capital expenses and research and development expenses) for higher education in the State; and

"(I) that is equal to—

"(i) the gross amount of applicable State funds appropriated or dedicated, and expended by the State, including funds from lottery receipts, in the fiscal year, that are set aside to support institutions of higher education in the State for the purpose of providing financial aid for higher education in the State; and

"(J) any other funds described in clause (ii), if applicable.

"(ii) LOCAL FUNDS.—In the case of a State that includes, as part of the State share under section 786, an amount that is equal to—

"(I) the gross amount of applicable State funds appropriated or dedicated, and expended by the State, including funds from lottery receipts, in the fiscal year, that are set aside to support local governments in support of the purpose of providing financial aid for higher education in the State, in the fiscal year, that are to be distributed over multiple years that are not to be spent for the year for which the calculation under
this paragraph is being made, subject to subparagraph (C):

“(vi) tuition, fees, or other educational charges paid directly by a student to a public institution of higher education or to the State;

“(vii) funds for—

“(I) financial aid to students attending, or operating, an institution—

“(aa) out-of-State institutions of higher education;

“(bb) proprietary institutions of higher education under section 102(b); or

“(cc) institutions of higher education not accredited by an agency or association recognized by the Secretary pursuant to section 496.

“(II) financial aid to students awarded predominately on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments;

“(III) research and development; or

“(IV) hospitals, athletics, or other auxiliary enterprises;

“(viii) corporate or other private donations directed to one or more institutions of higher education permitted to be expended by the State;

“(viii) any other funds that the Secretary determines shall not be included in the calculation of State fiscal support for higher education for such State.

“(C) ADJUSTMENTS FOR BIENNIAL APPROPRIATIONS.—The Secretary shall take into consideration any adjustments to the calculations under this paragraph that may be required to accurately reflect State fiscal support for higher education in States with biennial appropriation cycles.

“(D) STATE FISCAL SUPPORT FOR HIGHER EDUCATION PER FULL-TIME EQUIVALENT STUDENT.—The term ‘State fiscal support for higher education per full-time equivalent student’ as used with respect to a State for a fiscal year, means the amount that is equal to—

“(A) the State fiscal support for higher education for the previous fiscal year, divided by

“(B) the number of full-time equivalent students enrolled in public institutions of higher education in such State for such previous fiscal year.

“(12) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘tribal college or university’ has the meaning given such term in section 316(b)(3).

**SEC. 792. SUNSET.**

“(a) In General.—The authority to make grants under section 785 and 790 shall expire at the end of award year 2027–2028.

“(b) Inapplicability of GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to this part.

**SEC. 793. APPROPRIATION.**

“In addition to amounts otherwise available, there is appropriated for fiscal year 2023, any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2023, for carrying out this part (except for section 790).”

**SA 5299. Mr. MERKLEY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER for the bill S. 5576, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:**

“At the end of subtitle D of title I, insert the following:

**PART 10—END POLLUTER WELFARE ACT**

**SEC. 14001. SHORT TITLE.**

This part may be cited as the “End Polluter Welfare Act of 2022.”

**SEC. 14002. DEFINITION OF FOSSIL FUEL.**

In this part, the term “fossil fuel” means coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

**SEC. 14003. ROYALTY RELIEF.**

(a) In GENERAL.—

(1) OUTER CONTINENTAL SHELF LANDS ACT.—

Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(2) ENERGY POLICY ACT OF 2005.—

(A) INCENTIVES FOR NATURAL GAS PRODUCTION FROM DEEP WELLS IN THE SHALLOW WATERS OF THE GULF OF MEXICO.—Section 344 of the Energy Policy Act of 2005 (42 U.S.C. 19504) is repealed.

(B) DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 19505) is repealed.

(c) ALASKA.—Nothing in this section shall be construed to preclude the Secretary from making payments to any State for the production or use of fossil fuels.

**SEC. 14004. ROYALTIES UNDER MINERAL LEASING ACT.**

(a) COAL LEASES.—Section 7(a) of the Mineral Leasing Act (30 U.S.C. 207(a)) is amended in the fourth sentence by striking “12 1⁄2 percent” and inserting “18 3⁄4 percent.”

(b) LEASES ON LAND WHICH OIL OR NATURAL GAS IS DISCOVERED.—Section 14 of the Mineral Leasing Act (30 U.S.C. 223) is amended in subsection (c) by striking “40 per centum per annum” and inserting “18 3⁄4 per centum per annum.”

(c) LEASES ON LAND KNOWN OR BELIEVED TO CONTAIN OIL OR NATURAL GAS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), in the fifth sentence, by striking “12.5 percent” and inserting “18 percent”; and

(B) in paragraph (2)(A)(ii), by striking “12.5 per centum” and inserting “18 per centum”;

(2) in subsection (c), by striking “12.5 percent” and inserting “18 percent”; and

(3) in subsection (b)(1)(C), by striking “12.5 per centum” and inserting “18 per centum.”

**SEC. 14005. ELIMINATION OF INTEREST PAYMENTS FOR ROYALTY OVERPAYMENTS.**

Section 15(g) of the Federal Oil and Gas Royalty Management Act of 1980 (30 U.S.C. 1721) is amended by adding at the end the following:

“(k) PAYMENT OF INTEREST.—Interest shall not be paid on any overpayment.”

**SEC. 14006. REMOVAL OF LIMITS ON LIABILITY FOR OFFSHORE FACILITIES AND PIPELINES.**

Section 1004(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)) is amended—

(1) in paragraph (3), by striking “plus $75,000,000” and inserting “and the liability of the responsible party under section 1002;”;

(2) in paragraph (4) —

(A) in paragraph (a) by inserting “(except an onshore pipeline transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen)” after “for any onshore facility”;

and

(B) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(5) for any onshore facility transporting diluted bitumen, bituminous mixtures, or any oil manufactured from bitumen, the liability of the responsible party under section 1002.”

**SEC. 14007. RESTRICTIONS ON USE OF APPROPRIATED FUNDS BY INTERNATIONAL FINANCIAL INSTITUTIONS FOR PROJECTS THAT SUPPORT FOSSIL FUELS.**

(a) RESCISSION OF UNOBLIGATED FUNDS.—

(1) IN GENERAL.—Of the unobligated balance of amounts appropriated or otherwise made available for a contribution of the United States to an international financial institution, an amount specified in paragraph (2) shall be rescinded if the institution provides support for a project that supports the production or use of fossil fuels.

(2) AMOUNT SPECIFIED.—The amount specified in this paragraph is an amount the Secretary of the Treasury determines to be equivalent to the amount of support provided by an international financial institution described in paragraph (1) for a project that supports the production or use of fossil fuels.

(b) PROHIBITION ON USE OF FUTURE FUNDS.—No amounts appropriated or otherwise made available of the United States to an international financial institution may be provided to the institution unless the institution agrees not to use the amount to provide support for any project that supports the production or use of fossil fuels.

(c) INTERNATIONAL FINANCIAL INSTITUTION DEFINED.—In this section, the term “international financial institution” has the meaning given that term in section 1701(c) of the International Financial Institutions Act.

**SEC. 14008. FOSSIL FUEL RESEARCH AND DEVELOPMENT PROGRAM.**

(a) TERMINATION OF AUTHORITY.—Notwithstanding any other provision of law, the authority of the Secretary of Energy to carry out the Fossil Energy Research and Development Program of the Department of Energy is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law, all amounts made available for the Fossil Energy Research and Development Program that remain unobligated as of the date of enactment of this Act are rescinded; and none of the funds made available for the date of enactment of this Act for the Fossil Energy Research and Development Program shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing research of the Fossil Energy Research and Development Program, as determined by the Secretary of Energy, in consultation with other appropriate Federal agencies.

**SEC. 14009. ADVANCED RESEARCH PROJECTS AGENCY—ENERGY.**

None of the funds made available to the Advanced Research Projects Agency—Energy shall be used to carry out any project that supports fossil fuel.

**SEC. 14010. INCENTIVES FOR INNOVATIVE TECHNOLOGIES.**

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16153) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (2) and (10); and

(B) by redesigning paragraphs (3), (4), (5), (6), (7), (8), (9), and (10), as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by striking subsection (c); and

(3) by redesigning subsections (d) through (f) as subsections (c) through (e), respectively.
(b) CONFORMING AMENDMENT.—Section 1704 of the Energy Policy Act of 2005 (42 U.S.C. 16514) is amended—

(1) by striking subsection (b); and
(2) by redesignating subsection (c) as subsection (b).

SEC. 14011. RURAL UTILITY SERVICE LOAN GUARANTEES.

Notwithstanding any other provision of law, the Secretary of Agriculture may not make a loan under title III of the Rural Electrification Act of 1936 (7 U.S.C. 951 et seq.) to an applicant for the purpose of carrying out any project that will use fossil fuel.

SEC. 14012. PROHIBITION ON USE OF FUNDS BY THE END POLLUTER WELFARE ACT OF 2022 FOR NATIONAL DEVELOPMENT FINANCE CORPORATION OR THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR FINANCING PROJECTS, TRANSACTIONS, OR OTHER ACTIVITIES THAT SUPPORT FOSSIL FUELS.

Notwithstanding any other provision of law, no amounts appropriated or otherwise made available for the United States International Development Finance Corporation or the Export-Import Bank of the United States that are available for obligation on or after the date of the enactment of this Act may be used—

(1) to support any project, transaction, or other activity that supports the production or use of fossil fuels.

SEC. 14013. TRANSPORTATION FUNDS FOR GASTROINTESTINAL DISEASES, AND OTHER DIRECT ASSISTANCE.

Notwithstanding any other provision of law, no amounts made available to the Department of Transportation (including the Federal Railroad Administration) may not be used to award any grant, loan, loan guarantee, or provide any other direct assistance to any rail facility or port project that transports fossil fuel.

SEC. 14014. ELIMINATION OF EXCLUSION OF CERTAIN LENDERS AS OWNERS OR OPERATORS UNDER CERCLA.

Section 101(20)(F) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(F)) is amended by adding at the end the following:

“(iii) a depository institution, as defined in section 3(a)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(9)), or a company that exclusively lends on percentage depletion in case of oil and gas property.

(4) Section 469(i)(2) (relating to special rule for spudding of oil or natural gas wells).

(5) Section 613A (relating to limitations on property classified in case of oil and natural gas wells).

(6) PROVISIONS RELATING TO PROPERTY.—The following provisions shall not apply to properties placed in service after the date of the enactment of the End Polluter Welfare Act of 2022:

(1) Section 186(e)(3)(C)(ii) (relating to classification of property).

(2) Section 169 (relating to amortization of pollution control facilities) with respect to any atmospheric pollution control facility.

(3) Section 469 (relating to special rules for mining and solid waste reclamation and closing costs) with respect to the production or use of fossil fuels.

(4) Section 461(i)(2) (relating to special provision relating to property).

(5) Section 469(c)(3)(A) (relating to working interests in oil and natural gas property).

(6) Section 613A (relating to limitations on property classified in case of oil and natural gas wells).

(7) Section 170B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations).

(8) Section 468 (relating to special rules for mining and solid waste reclamation and closing costs) with respect to the production or use of fossil fuels.

(9) Section 170B (relating to deduction for capital costs incurred in complying with Environmental Protection Agency sulfur regulations).

(10) SECTION 167(h) OF THE INTERNAL REVENUE CODE OF 1986 IS AMENDED BY ADDING AT THE END THE FOLLOWING:

“(c) EXCHANGE OF REAL PROPERTY HELD FOR PRODUCTIVE USE OR INVESTMENT.—Section 163(a)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) by striking paragraph (2) and inserting the following:

“(2) MIDDEN CONVENTION.—For purposes of paragraph (1), any payment paid or incurred during any month shall be treated as paid or incurred on the midpoint of such month.”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 14017. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENSES.

(a) IN GENERAL.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking “24-month period” each place it appears in paragraphs (1) and (4) and inserting “36-month period”;

(b) CONFORMING AMENDMENTS.—

(1) Section 165(d) of the Internal Revenue Code of 1986 is amended by striking “Except as provided in paragraph (3)(A), in the case” and inserting “In the case”.

(2) The table of sections for chapter 6 of such Code is amended by adding at the end the following new item:

“7875. Termination of certain provisions relating to fossil-fuel incentives.”

SEC. 14016. TERMINATION OF CERTAIN DEDUCTIONS AND CREDITS RELATED TO FOSSIL FUELS.

(a) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(1) FOSSIL FUEL PROPERTY.—

(A) IN GENERAL.—In general, this subsection shall not apply with respect to any property which is primarily used for fossil fuel activities and is placed in service during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.

(B) FOSSIL FUEL ACTIVITIES.—For purposes of this paragraph, the term ‘fossil fuel activities’ means the exploration, development, mining or production, processing, refining, transportation (including pipelines transporting gas, oil, or products thereof), distribution, or marketing of coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel.

(C) EXCEPTION.—The property described in subparagraph (A) shall not include any motor vehicle service station or convenience store which does not qualify as a retail motor fuels outlet under paragraph (2).

(b) QUALIFIED BUSINESS INCOME.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(8) Any item of gain or loss derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.”.

(c) CREDIT FOR INCREASING RESEARCH ACTIVITIES.—Section 46(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(4) Fossil fuel activities.—Any research related to fossil fuel activities (as defined in section 168(k)(11)(B)) which is conducted after the date of the enactment of the End Polluter Welfare Act of 2022; and

(d) FOREIGN- DERIVED INTANGIBLE INCOME.—Subclause (V) of section 250(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(V) any income derived from fossil fuel activities (as defined in section 168(k)(11)(B)) during any taxable year beginning after the date of the enactment of the End Polluter Welfare Act of 2022.”.

SEC. 14018. NATURAL GAS GATHERING LINES TREATED AS 15-YEAR PROPERTY.

(a) IN GENERAL.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and at the end of clause (vi),” and inserting “and on or before the date of the enactment of the End Polluter Welfare Act of 2022”.

(b) ALTERNATIVE SYSTEM.—The table contained in section 199A(c)(3)(C) of the Internal Revenue Code of 1986 is amended by inserting after the item relating to subparagraph (E)(vi) the following new item:

“22. Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.”.

(c) CONFORMING AMENDMENT.—Clause (iv) of section 163(h)(3)(C) of the Internal Revenue Code of 1986 is amended by inserting “End Polluter Welfare Act of 2022” after “April 11, 2005.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer or a related party has entered into a binding contract for the construction thereof on or before the date of the introduction of this Act,
The heading of section 631 of the Internal Revenue Code of 1986 is amended by striking "coal,".

(2) Section 1231(b)(2) of such Code is amended by striking "coal,".

(c) Effective Date.—The amendments made by this section shall apply to disposi-
tions after the date of the enactment of this Act.

SEC. 14022. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO AND BY TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) In General.—Section 901 of the Internal Revenue Code of 1986 is amended by re-designating subsection (n) as subsection (o) and by inserting after subsection (m) the following new paragraph:

"(n) Special Rules Relating to Dual Capacity Taxpayers.—

"(1) General Rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued to a foreign country or possession of the United States for any period by a dual capacity taxpayer which is in the trade or business of the production, refining, processing, transportation, or distribution of oil, natural gas, or coal for any taxable year beginning after the date of enactment of the End Polluter Welfare Act of 2022.

"(2) Such change shall be treated as initiated by its terms and in practice, to—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the applicable income tax imposed by the country or possession, or

"(ii) would be paid if no amount other than the amount required to be paid by such taxpayer under the generally applicable income tax imposed by the country or possession were paid or accrued by such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 14023. INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.

(a) In General.—Section 4611 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (c)(2)(B)—

"(k) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) in the case of crude oil received or petroleum products entered after December 31, 2021, 10 cents a barrel.

"(b) Effective Date.—The amendments made by this section shall apply to crude oil received and petroleum products entered after December 31, 2022.

SEC. 14024. APPLICATION OF CERTAIN ENVIRONMENTAL TAXES TO SYNTHETIC CRUDE OIL.

(a) In General.—Paragraph (1) of section 4612(a) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) Crude Oil.—

"(A) In General.—The term ‘crude oil’ includes crude oil condensates, natural gaso-

"(B) Synthetic Crude Oil.—For purposes of subparagraph (A), the term ‘synthetic crude oil’ means—

"(i) any bitumen and bituminous mixtures,

"(ii) any oil derived from bitumen and bituminous mixtures (including oil derived from tar sands),

"(iii) any liquid fuel derived from coal, and

"(iv) any oil derived from kerogen-bearing sources (including oil derived from oil shale).

(b) Regulatory Authority To Address Other Types of Crude Oil and Petroleum Products.—Subsection (d) of section 4612 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(10) Regulatory Authority to Address Other Types of Crude Oil and Petroleum Products.—Under such regulations as the Secretary may prescribe, the Secretary may include as crude oil or as a petroleum prod-

"(B) fuel feedstock or finished fuel product custom-

("(1) the classification of such fuel feed-

"(2) such fuel feedstock or finished fuel product is consistent with the definition of oil under the Oil Pollution Act of 1990, and

"(c) Technical Amendment.—Paragraph (2) of section 4612(a) of the Internal Revenue Code of 1986 is amended by striking "from a well".

"(d) Effective Date.—The amendments made by this section shall apply to oil and petroleum products received or entered during the calendar quarter ending more than 60 days after the date of the enactment of this Act.
SEC. 14025. DENIAL OF DEDUCTION FOR REMOVAL COSTS AND DAMAGES FOR CERTAIN OIL SPILLS.

(a) In General.—Subtitle E of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) EXPENSES FOR REMOVAL COSTS AND DAMAGES RELATING TO CERTAIN OIL SPILL LIABILITY.—Notwithstanding paragraphs (2) and (3), no deduction shall be allowed under this chapter for any costs or damages for which the taxpayer is liable under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any liability arising in taxable years ending after the date of the enactment of this Act.

SEC. 14026. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) In General.—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

"CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

Sec. 5901. Imposition of tax.

Sec. 5902. Taxable crude oil or natural gas, and removal price.

Sec. 5903. Records and information.

Sec. 5904. Early application of tax.

Sec. 5905. Imposition of tax.

(a) In General.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 3 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

"(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed 3 percent of the removal price imposed by subsection (a) for such taxable period.

(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

"Sec. 5906. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term ‘taxable crude oil or natural gas’ means crude oil or natural gas which is produced from Federal lands located on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

(b) REMOVAL PRICE.—For purposes of this chapter—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term ‘removal price’ means—

"(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

"(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

"(2) SALES BETWEEN RELATED PERSONS.—In the case of a removal price paid by a related person, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

"(3) OIL OR NATURAL GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(4) REFINING BEGIN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

"(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

"(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

"(5) PROPERTY.—The term ‘property’ has the meaning given such term by section 614.

SEC. 5907. SPECIAL RULES AND DEFINITIONS.

(a) ADMINISTRATIVE REQUIREMENTS.—

"(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5901 on or before the last day of the month.

"(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5901 shall keep such records, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe as definitions.

"(3) TAXABLE PERIODS; RETURN OF TAX.—

"(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

"(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5901.

"(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

(b) PRODUCER.—The term ‘producer’ means the holder of the economic interest with respect to the crude oil or natural gas.

"(2) CRUDE OIL.—The term ‘crude oil’ includes crude oil commodities and natural gasoline.

"(3) PREMISES AND CRUDE OIL PRODUCT.—The terms ‘premises’ and ‘crude oil product’ have the same meanings as when used for purposes of determining gross income from the property under section 613.

"(4) REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 162(a)(1) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (4) the following new paragraph:

"(5) The tax imposed by section 5901(a) (after application of section 5901(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.

"(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following:

"CHAPTER 56. TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14027. REPEAL OF CORPORATE INCOME TAX EXEMPTION FOR PUBLICLY TRADED PARTNERSHIPS WITH QUALIFYING INCOME AND INCOME ACTIVITIES RELATING TO FOSSIL FUELS.

(a) IN GENERAL.—Section 704(k)(1) of the Internal Revenue Code of 1986 is amended by inserting “or any coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel” after “section 613(b)(7)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 14028. AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.

(a) IN GENERAL.—Section 193 of the Internal Revenue Code of 1986 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AMORTIZATION OF QUALIFIED TERTIARY INJECTANT EXPENSES.—

"(1) IN GENERAL.—Any qualified tertiary injectant expenses paid or incurred by the taxpayer shall be allowed as a deduction ratably over the 34-month period beginning on the date that such expense was paid or incurred.

"(2) MID-MONTH CONVENTION.—For purposes of paragraph (1), any expenses paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

(2) by striking subsection (c) and inserting the following:

"(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to qualified tertiary injectant expenses.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14029. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

(a) IN GENERAL.—Section 616 of the Internal Revenue Code of 1986 is amended to read as follows:

"Sec. 616. AMORTIZATION OF DEVELOPMENT EXPENDITURES.

(a) IN GENERAL.—Any expenditures paid or incurred for the development of coal, petroleum, natural gas, or any coal, petroleum, natural gas, or any derivative of coal, petroleum, or natural gas that is used for fuel shall be amortized over the amortization period determined under section 193.

(b) MID-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.

(c) EXCLUSIVE METHOD.—Except as provided in this section, no depreciation or amortization deduction shall be allowed with respect to expenditures described in subsection (a).

(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 34-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the amortization deduction under this section shall continue with respect to such payment.

(b) CONFORMING AMENDMENTS.—

(1) The item relating to section 616 in the table of sections for part I of chapter 1 of title 1 of subtitle A of part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:

"Sec. 616. Amortization of development expenditures."
(2) Section 56(a)(2)(A) of such Code is amended by striking "616(a) or".
(3) Section 59(e) of such Code is amended—
(A) in paragraph (2)—
(i) by striking subparagraph (C), by inserting "or" at the end;
(ii) by striking subparagraph (D); and
(iii) by redesignating subparagraph (E) as subparagraph (D); and
(B) in paragraph (5)(A), by striking ", or 616(a)."
(4) Section 262(a)(1) of such Code is amended by striking paragraph (1).
(5) Section 263A(c)(3) of such Code is amended by striking "616.",
(6) Section 291(b) of such Code is amended—
(A) in paragraph (1)(B), by striking "616(a) or";
(B) in paragraph (2), by striking ", 616(a);" and
(C) in paragraph (3), by striking "616(a)."
(7) Section 312(n)(2)(D) of such Code is amended by striking "616(a) or".
(8) Section 361(c) of such Code is amended by striking paragraph (9).
(9) Section 1016(a) of such Code is amended by striking paragraph (9).
(10) Section 1254(a)(1) of such Code is amended by striking "616.".
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14030. AMORTIZATION OF CERTAIN MINING EXPLOSION EXPENDITURES.

(a) IN GENERAL.—Section 617 of the Internal Revenue Code of 1986 is amended to read as follows:
"SEC. 617. AMORTIZATION OF CERTAIN MINING EXPLOSION EXPENDITURES.

(2) and inserting the following:
"(b) MIDDLE-MONTH CONVENTION.—For purposes of subsection (a), any expenditures paid or incurred during any month shall be treated as paid or incurred on the mid-point of such month.
"(c) ELEVEN MONTH CONVENTION.—Except as provided in this section, no depreciation or amortization shall be allowed with respect to expenditures described in subsection (a) paid or incurred before the beginning of the development stage of the mine, shall be allowed as a deduction ratably over the 60-month period beginning on the date that such expense was paid or incurred.
"(d) TREATMENT UPON ABANDONMENT.—If any property with respect to which expenditures described in subsection (a) are paid or incurred is retired or abandoned during the 84-month period described in such subsection, no deduction shall be allowed on account of such retirement or abandonment and the deductions under this section shall continue with respect to such payment.
"(e) CONFORMING AMENDMENTS.—
(1) The item relating to section 617 in the table of sections for part I of subchapter I of chapter 1 of the Internal Revenue Code of 1986 is amended to read as follows:
"Sec. 617. Amortization of certain mining exploration expenditures..."
(2) Section 56(a) of such Code, as amended by section 14029(b)(2), is amended by striking paragraph (2).
(3) Section 56(e) of such Code, as amended by section 14029(b)(3), is amended—
(A) in paragraph (2)—
(i) in subparagraph (B), by inserting "or" at the end;
(ii) in subparagraph (C), by striking the comma at the end and inserting a period; and
(iii) by striking subparagraph (D); and
(B) by striking paragraph (5) and inserting the following:
"(5) Dispositions.—In the case of any disposition of property to which section 1224 applies (determined without regard to this section), any deduction under paragraph (1) with respect to amounts which are allocable to such property shall, for purposes of section 1254, be treated as a deduction allowable under section 280C.",
(4) Section 170(e)(1) of such Code is amended—
(A) in paragraph (1), by striking "617(d)(1),"; and
(B) in paragraph (3), by striking "617..."
(5) Section 262(a)(3) of such Code, as amended by section 14029(b)(5), is amended by striking "291(b)(2), or 617" and inserting "or 291(b)(2)"
(6) Section 291(b) of such Code, as amended by section 14029(b)(6), is amended—
(A) in the heading, by striking "AND MINERAL EXPLORATION AND DEVELOPMENT COSTS";
(B) by striking paragraph (1) and inserting the following:
"(1) IN GENERAL.—In the case of an integrated oil company, the amount allowable as a deduction for any taxable year (determined without regard to this section) under section 280C shall be reduced by 30 percent;..."
(C) in paragraph (2), by striking "or 617(a)" as the case may be;
(D) in paragraph (3), by striking "or 617(a)" (whichever is appropriate);
(7) Section 312(n)(2)(B) of such Code is amended by striking paragraph (2) and inserting the following:
"(2) INTANGIBLE DRILLING COSTS.—Any amount allowable as a deduction under section 263(c) (other than costs incurred in connection with a nonproductive well)—
"(A) shall be capitalized, and
"(B) shall be allocable as a deduction ratably over the 60-month period beginning with the month in which such amount was paid or incurred.
"(8) Section 703(b) of such Code is amended—
(A) in paragraph (1), by adding "or" at the end;
(B) by striking paragraph (2); and
(C) by redesignating paragraph 3 as paragraph (2).
"(9) Section 573(k)(c) of such Code is amended by adding a period on the day before the date of the enactment of the End Polluter Welfare Act of 2022 after "section 617(f)(2);" and
(B) by striking "617(d)(1),".
(10) Section 1254(a)(1)(A)(i) of such Code, as amended by section 14029(b)(10), is amended by striking "or 617]."
(11) Paragraph (2) of section 1363(c) of such Code is amended to read as follows:
"(2) EXCEPTION.—In the case of an S corporation, elections under section 991 (relating to taxes of foreign countries and possessions of the United States) shall be made by each shareholder separately..."
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14031. AMORTIZATION OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS AND GEOTHERMAL WELLS.

(a) IN GENERAL.—Section 954(a) of the Internal Revenue Code of 1986 is amended by—
(1) in subsection (b)—
(A) in paragraph (1), by striking "$1.10" and inserting "$1.38";
(B) in paragraph (2), by striking "$3.55" and inserting "$3.99";
(2) by striking subsection (d);

(b) CONFORMING AMENDMENTS.—
(1) Section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by striking "265(c) or".
(2) Section 59(c) of such Code, as amended by sections 14029 and 14030, is amended—
(A) in paragraph (2)—
(i) in subparagraph (A), by inserting "or" at the end;
(ii) in subparagraph (B), by striking the comma at the end and inserting a period; and
(iii) by striking subparagraph (C); and
(B) by striking paragraph (2).
(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after the date of the enactment of this Act.

SEC. 14032. PERMANENT EXCISE TAX RATE FOR FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 of the Internal Revenue Code of 1986 is amended by—
(1) in subsection (b)—
(A) in paragraph (1), by striking "$1.10" and inserting "$1.38";
(B) in paragraph (2), by striking "3.55" and inserting "3.99";
(2) by striking subsection (d);

(b) CONFORMING AMENDMENTS.—
(1) Section 45(e)(8)(A)(i)(II) of the Internal Revenue Code of 1986 is amended by striking "and" and at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:
"(4) the foreign base company oil related income for the taxable year (determined under subsection (g) and reduced as provided in section 954(b)(3));
(b) FOREIGN BASE COMPANY OIL RELATED INCOME.—Section 954 of the Internal Revenue
INCOME.—For purposes of this section—
for the taxable year.

pany services income'' in paragraph (5) and
lated income described in subsection (a)(4).'';
not apply to foreign base company oil-re-
nated income,''.

inserting before subclause (II) (as so redesig-
nating subclauses (I) through (IV) as sub-

poration.

Clause means a group consisting of the for-

country on a vessel or aircraft.

which is foreign base company oil related in-
base company oil related income’ means for-

(2) EFFECTIVE DATE.—The amendments
made by this section shall apply to taxable
years of foreign corporations beginning after
the date of enactment of this Act and to

country shareholders in which or with which such taxable years of foreign corpo-

SEC. 14006. POWDER RIVER BASIN.
(a) DESIGNATION OF THE POWDER RIVER BASIN AS A COAL PRODUCING REGION.—As
soon as practicable after the date of enactment of this Act, the Director of the Bureau of Land Management shall designate the Powder River Basin as a coal producing region.
(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Direc-
tor of the Bureau of Land Management shall submit to Congress a report that includes—

Such term shall not include any foreign per-

as defined in section (c).

(2) PARAGRAPH (I) APPLIES ONLY WHERE CORPORATIONS HAS PRODUCED 1,000 BARRELS PER
DAY OR MORE.

(A) IN GENERAL.—The term ‘foreign base

See 1,000 Barrels per Day or

y years of foreign corporations beginning after
the date of enactment of this Act and to

country shareholders in which or with which such taxable years of foreign corpo-

SEC. 14007. STUDY AND ELIMINATION OF ADDI-
tional fossil fuel subsidies.
(a) DEFINITION OF FOSSIL-FUEL PRODUCTION SUBSIDY.—In this section, the term ‘subsidy for fossil-fuel production’ means any direct funding, tax treatment or incentive, risk-reduc-
tion benefit, financing assistance or guarantee, royalty relief, or other provision that provides for a fossil fuel company for the production of fossil fuels.
(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury or the Secre-
tary’s delegate (referred to in this section as the “Secretary”), in coordination with the Secretary of the Interior, shall submit to Congress a report describing the Federal law (including regulations), other than those amendable by this Act, as in effect on the date of which the report is submitted, that in-
cludes a subsidy for fossil-fuel production.
(c) REPORT ON MODIFIED RECOVERY PER-

In general.—Not later than 1 year after the date of enactment of this Act, the Secre-
tary, in coordination with the Commissioner of Internal Revenue, shall submit to

the period under the accelerated cost recovery system provided in section 168 of the Internal Revenue Code of 1986 for each type of property that the Secretary determines, based on family needs assess-

an Early Head Start agency (by receiving a

funded under the Head Start Act; or

or subsection (c)(5)(D) or (f)(1), means an en-
der Section 6101 of the Elementary and
nomenes, to be necessary, within the meaning

tional agency for kindergarten entry.

(2) ELIMINATION OF SUBSIDY.—In the case of

(1) a study of the fair market value and the

with an educational service agency (as de-

tional, social, and other services that are de-

above the zero line determined, based on family needs assess-

with the term in section 602 of the Individ-

’ has the meaning

country which or with which such taxable years of foreign corporations end.

(1) by adding ‘‘and’’ at the end of subclause

(3) C OMPREHENSIVE SERVICES.—The term

(5) E LIGIBLE CHILD.—The term ‘eligible

(10) P OVERTY LINE.—The term ‘poverty

(1) a consortium of entities described in

(5) D UAL LANGUAGE LEARNER.—The term

(7) HEAD START AGENCY.—The term ‘Head

(3) A DFILATION AGENCY FOR KINDERGARTEN EN-

(9) LOCAL EDUCATIONAL AGENCY.—The term

(4) DUAL LANGUAGE LEARNER.—The term ‘‘dual

(6) ELIGIBLE PROVIDER.—The term ‘eligible

(2) ELIMINATION OF SUBSIDY.—In the case of

(2) ELIMINATION OF SUBSIDY.—In the case of

(2) ELIMINATION OF SUBSIDY.—In the case of

(1) a consortium of entities described in

(7) HEAD START AGENCY.—The term ‘Head

(3) LOCAL EDUCATIONAL AGENCY.—The term

(8) INDIAN TRIBE.—The term ‘‘Indian Tribe’’

(4) LOCAL EDUCATIONAL AGENCY.—The term

(5) ELIGIBLE CHILD.—The term ‘eligible

(6) ELIGIBLE PROVIDER.—The term ‘eligible

(1) a consortium of entities described in

(2) ELIMINATION OF SUBSIDY.—In the case of

(2) ELIMINATION OF SUBSIDY.—In the case of

(1) a consortium of entities described in
(11) Secretary.—The term “Secretary” means the Secretary of Health and Human Services.

(12) State.—The term “State” means each of the several States and the District of Columbia.

(13) Territory.—The term “territory” means each of the Commonwealth of Puerto Rico, the States of American Samoa, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) Tribal organization.—The term “tribal organization” has the meaning given the term “tribal organization” in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 985n).

(b) Universal Pre-School Services.—

(1) Eligibility for States.—

(A) In General.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(i) $3,300,000,000, to remain available until September 30, 2028, for payments to States, for carrying out subsection (d) beginning in fiscal year 2023;

(ii) $800,000,000, to remain available until September 30, 2023, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2023;

(iii) $4,800,000,000, to remain available until September 30, 2023, for payments to States, for carrying out subsection (d) beginning in fiscal year 2024;

(iv) $1,200,000,000, to remain available until September 30, 2023, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2024;

(v) $640,000,000, to remain available until September 30, 2023, for payments to States, for carrying out subsection (d) beginning in fiscal year 2023; and

(vi) $1,600,000,000, to remain available until September 30, 2023, for payments to States, for carrying out subsections (c)(3) and (d) beginning in fiscal year 2023.

(B) Additional Appropriations.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out activities authorized by this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2023:

(i) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2024;

(ii) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2025;

(iii) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2026;

(iv) $200,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2027; and

(v) $212,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2028;

(vi) $216,000,000, to remain available until September 30, 2028, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, beginning in fiscal year 2029; and

(C) Authorizations.—In the case of the Secretary, that is not provided in fiscal year 2023; and

(2) Payments to States.—

(A) Payments for Fiscal Years 2023 Through 2025.—From amounts made available under subsection (b) for fiscal years 2023 through 2025, the Secretary shall allot for the fiscal year, to each State that has a Tribal organization under paragraph (5) to transitional State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who meet the Federal poverty line for the most recent year for which satisfactory data are available, and reside in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) Payments for Fiscal Years 2026 Through 2028.—

(i) Preschool Services.—For each of fiscal years 2026 through 2028, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(1) 95.44 percent of the State’s expenditures in the year for preschool services provided under subsection (d), for fiscal year 2026;

(2) 79.54 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2027; and

(3) 63.67 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2028.

(ii) Research Activities.—The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 52.02 percent of the amount described in paragraph (i) for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 5 percent of the amounts described in clause (i) for such fiscal year.

(iii) Non-Federal Share.—The remainder of the cost paid by the State for preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) Advance Payment; Retrospective Adjustment.—The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) Authorities.—

(i) Fiscal Years 2023 Through 2025.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2023 through 2025, the Secretary shall have the authority to reallocate amounts appropriated under subparagraph (A) from any State without an approved State plan under paragraph...
(5) or transitional State plan under para-
graph (7) by the date required by the Sec-
retary, to States with an approved State plan or transitional State plan under such paragraph (5) or (7) and to eligible localities and Head Start agencies in accordance with subsection (f).

(ii) Fiscal Year 2025.—Notwithstanding any other provision of this section, on October 1, 2025, the Secretary shall have the authority to reallocate funds from payments made from allotments under subparagraph (A) that are unobligated on such date, to any State with-
out such unobligated funds that is a State with an approved State plan under paragraph (5) or transitional State plan under para-
graph (7) to carry out the purposes of this section or to an eligible locality or Head Start agency in accordance with subsection (f).

(3) State activities.—A State that re-
cieves funding under this section shall carry out all of the following activities:

(A) State administration of the State pre-
school program described in this section.

(B) Supporting the development of an im-
provement system for providers of preschool services participating, or seeking to partici-
ate, in the State preschool program, through investments, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment sup-
port for families of eligible children.

(D) At a minimum, requiring (V) at a sys-
tem level.

(E) Supporting staff of eligible providers in pursuance of credentials and degrees, including baccalaureate degrees.

(F) Making available a minimum set of activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transporta-
tion services for children, which at a min-
imum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(I) Lead agency.—The Governor of a State described in subparagraph (B) shall designate a lead agency (such as a State agency or joint interagency office) for the administration of the State’s preschool program under this section.

(5) State plan.—In order to be eligible for payments under this section, the Governor of a State with an approved State plan to the Sec-
retary for approval by the Secretary, in col-
laboration with the Secretary of Education, at such time, in such manner, and con-
taining such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, in-
clusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place, or will have in place no later than 18 months after the State first receives funding under this section, de-
velopmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in sub-
paragraph (B) or section 611(a)(1) of the Head Start Act (42 U.S.C. 9801(a)(1)) and include program standards for class sizes and ratios; and

(ii) the State will coordinate such stand-
ards with other early learning standards in the State.

(B) An assurance that the State will en-
sure—

(i) all preschool services in the State fund-
ed under this section will—

(I) be universally available to all children in the State without any additional eligi-
bility requirements; and

(II) be high-quality, free, and inclusive; and

(iii) that the local preschool program in the State funded under this section will—

(I) by not later than 1 year after the pro-
gram receives such funding, meet the State’s preschool education standards described in subparagraph (B); and

(II) offer programming that meets the du-
ration requirements of at least 1,020 annual hours;

(iii) adopt policies and practices to con-
duct outreach and provide expedited enroll-
ment, including prioritization, to—

(aa) children experiencing homelessness (which includes children receiving a pro-
gram provided by an eligible provider de-
scribed in subsection (a)(6)(A), shall include immediate enrollment for the child); and

(bb) children in families who are engaged in migrant or seasonal agricultural labor;

(cc) children with disabilities, including el-
igible children who are served under part C of the Individuals with Disabilities Edu-
cation Act; and

(dd) dual language learners,

(iv) provide and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience,

(v) require a living wage for all staff of such providers; and

(vi) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the State first receives funds under this section, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to indi-
viduals who were employed by an eligible provider or early education program for a cum-
ulative 3 of the 5 years immediately pre-
ceding the date of enactment of this Act and

(bb) no requirement shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in the preschool program.

(C) For States with existing publicly fund-
ed State preschool programs (as of the date of submission of the State plan), a descrip-
tion of how the State plans to use such funds to improve the preschool program.

(D) A description of how the State, in est-
ablishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any existing programs in the State meet the requirements of the Individuals with Disabilities Education Act; and

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State and local Early Childhood Education and Care designated or estab-
lished in section 624(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837(b)(1)(A)(i)) in the development of the State plan, including consulta-
tion in how the State intends to distribute slots under clause (v); and

(iv) partner with Head Start agencies to ensure the full utilization of Head Start pro-
grams within the State; and

(v) distribute new preschool slots and re-
source the number of such slots in the pre-
vious fiscal year; or

(ii) if the number of eligible children iden-
tificable from the State due to disruptions to the State's previous fiscal year, will maintain at least the previous year’s ratio of the total preschool slots described in clause (i) to eligible children so identified.

(F) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with Disabilities Education Act, and a de-
scription of how the State will collaborate with States carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclu-
sive preschool programs.

(G) A certification that the State will sup-
port the continuous quality improvement of programs providing preschool services under this section, including support through tech-
nical assistance, monitoring, and research.

(H) A certification that the State will en-
sure a highly qualified early childhood work-
force to support the requirements of this sec-
tion.

(I) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 619(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9833(c)(2)(T)), with respect to funding and assessments under this section.

(J) A certification that subgrant and con-
tract amounts provided as described in sub-
section (d) will be sufficient to ensure eligi-
ble providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (IV) and (V) of subpara-
graph (B)(ii).

(K) An Agreement to provide to the Sec-
retary such periodic reports, providing a de-
tailed accounting of the uses of funding re-
ceived under this section, as the Secretary may require for the administration of this section.

(6) Duration of the Plan.—Each State plan shall remain in effect for a period of not more than 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

TRANSITIONAL STATE PLAN.—For a pe-
riod of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section, for the purpose of expanding access to universal, high-quality, free, inclusive, and mixed-del-
ivery preschool services in alignment with the requirements of this section, to States with an approved transitional State plan, submitted at such time, in such manner, and containing such information as the Sec-
retary shall require, including at a minimum how the State will submit a State plan under paragraph (5).

(d) Subgrants and Contracts for Local Preschool Programs.

(1) Subgrants and Contracts.—

(A) In general.—A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the State preschool program to pay the obligations of sub-
contracts, with, eligible providers to operate universal, high-quality, free, and inclusive
(4) **Establishing and Expanding Universal Preschool Programs in High-Need Communities.**—In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across high-need communities, as determined by—

(i) the ratio of poverty in the community; and

(ii) rates of access to high-quality preschool services in communities with lower levels of need.

(B) **Use of Funds.**—Subgrants or contracts awarded pursuant to paragraph (A) shall be used to enroll and serve children in such a local preschool program included, involving by paying the costs—

(i) personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State’s preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher support, and technical assistance; and

(iv) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) **Establishing and Expanding Universal Preschool Programs in Additional Communities.**—Once a State that receives a payment under subsection (c)(2)(A) to establish and expand its preschool programs within and across high-need communities, the State shall use funds from such payment to establish and expand an additional local preschool program within such a high-need community, as determined by—

(i) the Secretary; and

(ii) the metrics described in paragraph (c)(5), such as the number of children in all States described in subparagraph (A) who are under the age of 6, in the State described in paragraph (2)(A), to carry out the purposes of the Head Start Act in such State.

(5) **Grants to Localities.**—

(A) In general.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs;

(B) **Priorities for Serving Underserved Communities.**—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving communities with a high percentage of children with family incomes at or below 200 percent of the poverty line.

(C) **Awards for Early and Head Start childhood.**—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under paragraph (A) shall not be included in the calculation of a ‘‘base grant’’ as such term is defined in section 616(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(D) **Grant of Federal Share for Early Childhood Education.**—For purposes of carrying out section 616(a)(7)(A) of the Head Start Act, the term ‘‘Early Head Start agency’’ means an entity designated or eligible to be designated as a Head Start agency under section 616(a)(1) of the Head Start Act, as an Early Head Start agency (by receiving a grant) under section 616(a) of such Act.

(E) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(F) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(G) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(H) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(I) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(J) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(K) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(L) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(M) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(N) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(O) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(P) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(Q) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(R) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.

(S) **Shared Services.**—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(i), relating to a payment under subsection (c)(2)(A), a State’s non-Federal share—

(i) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services; and

(ii) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the date of enactment of this Act, into full-day kindergarten programs.
other private organizations, or a combination of such sources and contributions; and
(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs whether a publicly funded preschool program or a program under this section or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the "reduction fiscal year") relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—
(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or
(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification as to why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reduction.

(1) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for fiscal years 2020, 2021, and 2022.

(2) NONDISCRIMINATION PROVISIONS.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:
(a) Title IX of the Education Amendments of 1972.
(b) Title VI of the Civil Rights Act of 1964.
(c) Section 504 of the Rehabilitation Act of 1973.
(e) MONITORING AND ENFORCEMENT.—
(1) REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with the requirements and State compliance with the State plan described in subsection (c)(5) or State transitional plan described in subsection (c)(7).
(2) VICE RULE.—The Secretary shall establish by rule procedures for—
(A) receiving, processing, and determining the validity of complaints or findings concerning the State's failure to comply with the State plan or any other requirement of this section;
(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and
(C) imposing sanctions under this subsection for such a failure.

SA 5301. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

PART 6—LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES

SEC. 13601. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

SEC. 13801. ENSURE USE OF DEFENSE PRODUCTION ACT OF 1950.

SEC. 13901. EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 13902. EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.
II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

PART  —EXTENSION OF CERTAIN TAX PROVISIONS

SEC. 10. 01. EXTENSION OF LIMITATION ON DE- DUCTIBILITY FOR STATE AND LOCAL TAXES.

(a) In General.—Section 24(b)(6) of the Internal Revenue Code of 1986 is amended—

(i) by striking “January 1, 2026” and inserting “January 1, 2028”, and

(ii) by striking “28 months” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. 02. EXTENSION OF SPECIAL RULES FOR CHILD TAX CREDIT.

(a) In General.—Section 24(b)(6) of the Internal Revenue Code of 1986 is amended—

(i) by striking “January 1, 2026” in paragraph (1) and inserting “January 1, 2028”, and

(ii) by striking “28 months” in the heading thereof and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. 03. ELIMINATION OF ADDITIONAL I.R.S. FUNDING FOR ENFORCEMENT

Section 10030(a)(1)(A) of this Act is amended by striking clause (ii).

SA 5307. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 10. AMENDMENT TO THE COUNTERMEASURE INJURY COMPENSATION PROGRAM

Section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(i) by striking in the first paragraph “(a) In general.—” and inserting “(a) COMPENSATION.—”;

(ii) by striking “January 1, 2026” and inserting “January 1, 2028”; and

(iii) by striking “28 months” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. 04. INCLUSION OF COVERED INJURIES CONTRIBUTIONS TO STATE AND LOCAL GOVERNMENTS

This Act (42 U.S.C. 247d–6) is amended—

(i) by striking the section heading and all that follows through “in the same amount” and inserting “be in the same amount”;

(ii) by striking “and be in the same amount” and all that follows through “shall be in the same amount” and inserting “be in the same amount”;

(iii) by striking “November” and all that follows through “be in the same amount” and inserting “January 1, 2028”;

(iv) by striking “(3) DETERMINATION OF ELIGIBILITY AND COMPENSATION.” and inserting “(3) DETERMINATION OF ELIGIBILITY AND COMPENSATION under section 319F–3(b)”;

(v) by striking “(4) PAYMENT.” and inserting “(4) PAYMENT under section 319F–3(b)”;

(vi) by striking “(5) INCLUSION OF COVERED INJURIES CONTRIBUTIONS TO STATE AND LOCAL GOVERNMENTS.” and inserting “(5) INCLUSION OF COVERED INJURIES CONTRIBUTIONS TO STATE AND LOCAL GOVERNMENTS under section 319F–3(b)”;

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

“(i) each covered countermeasure for which a state or local government has submitted a written request for additional compensation; and

(ii) each petition filed under this section for additional compensation with respect to such countermeasure.”;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts included as contributions after December 31, 2022.

SEC. 10. 05. LITIGATION

(a) AMENDMENT.—The amendment intended to be proposed by Mr. LEE submitted an amendment to subsection (b)—

(i) by striking “(A) A covered countermeasure injury table shall include”—

(ii) by inserting “a covered countermeasure injury table shall include”;

(iii) by striking “(B) The Secretary, acting through the Commission, shall submit to Congress” and inserting “the Commission, acting through the Secretary, shall submit to Congress”;

(iv) by striking “education” and inserting “education and training”;

(v) by striking “(C) The Secretary, in consultation with the Commission shall submit to Congress” and inserting “the Commission, in consultation with the Secretary shall submit to Congress”;

(vi) by striking “the Vaccine Injury Act of 2000, section 2102” and inserting “the Vaccine Countermeasure Injury Act of 2018, section 2102”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts included as contributions after December 31, 2022.

SEC. 10. 06. COUNTERMEASURE INJURY COMPENSATION FUND AMENDMENT ACT

(a) AMENDMENT.—This Act (42 U.S.C. 247d–6e) is amended—

(i) by striking paragraph (1)—

(ii) by striking “(A) Not less than 2 years after” and inserting “(A) Not later than 2 years after”;

(iii) by striking “(B) Not less than 2 years after” and inserting “(B) Not later than 2 years after”;

(iv) by striking “(C) Not less than 2 years after” and inserting “(C) Not later than 2 years after”;

(v) by striking “(D) Not less than 2 years after” and inserting “(D) Not later than 2 years after”;

(vi) by striking “(E) Outstanding claims” and inserting “(E) Outstanding claims”;

(vii) by striking “(F) Outstanding claims” and inserting “(F) Outstanding claims”;

(viii) by striking “(G) Outstanding claims” and inserting “(G) Outstanding claims”;

(ix) by striking paragraph (2)—

(x) by inserting “amend” after “Secretary”;

(xi) in paragraph (3)(A) and (B), by striking “not” and inserting “as”; and

(xii) in paragraph (4)—

(i) by striking “the Department” and inserting “the Commission”;

(ii) by striking “(A) The Secretary” and inserting “(A) The Commission”;

(iii) by striking “(B) The Secretary” and inserting “(B) The Commission”;

(iv) by striking “(C) The Secretary” and inserting “(C) The Commission”;

(v) by striking “(D) The Secretary” and inserting “(D) The Commission”;

(vi) by striking “(E) The Secretary” and inserting “(E) The Commission”;

(vii) by striking “(F) The Secretary” and inserting “(F) The Commission”;

(viii) by striking “(G) The Secretary” and inserting “(G) The Commission”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts included as contributions after December 31, 2022.
subsection (e), who makes a request for benefits or compensation under this section; "(E) the term "vaccine-related injury or death" shall be deemed to mean a covered injury, as defined in subsection (e); and 
(2) in subsection (d)—
(A) in paragraph (1), by striking " or, if the Secretary fails and all that follows through "319F–3(a)" and inserting "a covered individual is determined under subsection (a) to be eligible for compensation under this section";

SEC. 5308. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike part 4 of subtitle D of title I.

SEC. 5309. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike section 6020.

SEC. 5310. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike section 23003 and insert the following:
SEC. 23003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS; CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.

(a) STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary for search and rescue activities.

(b) WAIVER.—Any non-Federal cost-share requirements otherwise applicable to projects carried out under this subsection may be waived at the discretion of the Secretary.

(b) CATEGORICAL EXCLUSIONS TO EXPEDITE WILDFIRE PREVENTION ACTIVITIES.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $50,000,000 for the Forest Service to update and promulgate new categorical exclusions in accordance with section 1b.3(b) of title 7, Code of Federal Regulations, to expedite wildfire prevention activities.

SA 5311. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike section 50223 and insert the following:
SEC. 50223. NATIONAL PARK SERVICE EMPLOYMENT.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $45,000,000, to remain available through September 30, 2030, to hire employees in units of the National Park System.

SEC. 50224. REIMBURSEMENT FOR COSTS OF SEARCH AND RESCUE ACTIVITIES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available through September 30, 2030, to reimburse local authorities for search and rescue activities conducted with respect to individuals who are lost or endangered on Federal public land in accordance with section 121 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1742).

SA 5312. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike section 50263.

SA 5313. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike sections 50261 and 50262.

SA 5314. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
In subtitle A of title V, strike part 2.

SA 5315. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
Strike part 6 of subtitle D of title I.

SA 5316. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the appropriate place in subtitle B of title V, insert the following:
SEC. 502 SUPPLEMENTAL PAYMENTS UNDER THE PAYMENTS IN LIEU OF TAXES PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2031, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.

SEC. 502 REDUCTION OF APPROPRIATION FOR HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES.

Notwithstanding section 5021(a)(1), the amount appropriated under that section shall be $3,640,000,000.

SA 5317. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:
SEC. TERMINATION OF SECTION 322 DUTIES WITH RESPECT TO STEEL AND ALUMINUM.

(a) IN GENERAL.—Duties described in subsection (b) shall not apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.

(b) DUTIES DESCRIBED.—Duties described in this subsection are duties imposed under section 322 of the Trade Expansion Act of 1962 (19 U.S.C. 1332) with respect to steel pursuant to Presidential Proclamation 9704 (83 Fed. Reg. 16191), dated March 8, 2018; and with respect to steel pursuant to Presidential Proclamation 9705 (83 Fed. Reg. 16123), dated March 8, 2018.

SEC. RECESSION OF CERTAIN UNOBLIGATED FUNDS.

Effective on the date of enactment of this Act, the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4), or an amendment made by such Act, and the CARES Act (Public Law 116-136; 134 Stat. 281), or an amendment made by such Act, relating to matters within the jurisdiction of the Committee on Small Business and Entrepreneurship are rescinded.

SA 5319. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:
SEC. APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $460,000,000, to remain available through September 30, 2031, to provide supplemental payments to general units of local government for each of fiscal years 2022 through 2031 under chapter 69 of title 31, United States Code, with the amount of the supplemental payment for each fiscal year to be determined by the Secretary, based on the proportional share of the payment received by the general unit of local government under that chapter for the applicable fiscal year.
SEC. 5320. MR. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 5321. MR. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 5322. MR. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 5323. MR. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 5324. MR. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 70002, add at the end the following:

SEC. 61014. FUNDING TO ADDRESS AIR POLLUTION.

(a) FENCILE AIR MONITORING AND SCREENING AIR MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2023, for grants, rebates, and loans under section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16132) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.

(b) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 105 of the Clean Air Act (42 U.S.C. 7495), to support, and maintain fenceline air monitoring, screening air monitoring, national air toxics trend stations, and other air toxics and community monitoring.

(c) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $320,000,000 and inserting $10,000,000."
not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 165 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

[Section 60105: FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS]

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2031, for technical assistance to monitor and reduce air pollution and greenhouse gas (as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) as in effect on the date of enactment of this Act).

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2026, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 165 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(g) DEFINITION OF GREENHOUSE GAS.—In this section, the term ‘greenhouse gas’ means the given meaning the term in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) as in effect on the date of enactment of this Act).

SEC. 60106. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(a) TEST AND PROTOCOL DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, to carry out subsection (b)(1) of this section.

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2023, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 165 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(c) DEFINITIONS.—In this section:

(1) the definition and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis, and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities.

[Section 60107: FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2026, to carry out subsection (b)(1) of this section.

(2) PROVIDING TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,500,000, to remain available until September 30, 2026, to carry out subsection (b)(2) of this section.

[Section 60108: FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031, for grants to States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7622)) to update their systems to ensure communication with the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems.

(b) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2023—

(1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7622)); or

(2) to acquire necessary devices on which to run such inspection software.

(c) ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to develop and implement, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses;

(3) carrying out other activities that assist in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses; and

(4) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations, and to States, Indian Tribes, and nonprofit organizations that will support such businesses.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available pursuant to this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.—In this section:

(1) EMBODIED CARBON.—The term ‘embodied carbon’ means the quantity of greenhouse gases, as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) as in effect on the date of enactment of this Act.

(2) GREEN HOUSE GAS EMISSIONS.—The term ‘greenhouse gas emissions’ means the quantity of greenhouse gases, as defined in section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(G)) as in effect on the date of enactment of this Act.
Act) emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.—The term "environmental product declaration" means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025;

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) STATE.—The term "State" has the meaning given to that term in section 302(d) of the Clean Air Act (42 U.S.C. 7602(d)).

SEC. 60110. METHANE EMISSIONS REDUCTION PROGRAM.

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 60109 of this Act, the following:

"SEC. 134. METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

"(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $850,000,000, to remain available until September 30, 2028—

(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners of applicable facilities to prepare and submit greenhouse gas reporting under Part 98 of title 40, Code of Federal Regulations, regardless of the reporting threshold under that subpart.

(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsection (a) through (c) of section 103 for methane mitigation and monitoring;

(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane mitigation and monitoring;

(4) to cover all direct and indirect costs of the natural gas sent to sale from such facility.

(5) PERIOD.—Charges shall not be imposed pursuant to subparagraph (A) or section (d) of this section upon a determination by the Administrator that—

(A) methane emissions standards and plans pursuant to subsections (b) and (d) of section 111 have been approved and are in effect in all States with respect to the applicable facility; and

(B) compliance with the requirements described in clause (i) of this subsection and as necessary thereafter, the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

(A) 0.20 percent of the natural gas sent to sale from such facility; or

(B) 10 metric tons of methane per million barrels of oil produced at such facility, if such facility sent no natural gas to sale.

(6) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1), (2), or (3) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

(7) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the charge under subsection (c) for an applicable facility in an industry segment listed in paragraph (1), (2), or (3) of subsection (d), the Administrator shall impose and collect the charge on the reported metric tons of methane emissions from such facility that exceed—

(A) 0.20 percent of the natural gas sent to sale from such facility; or

(B) 10 metric tons of methane per million barrels of oil produced at such facility, if such facility sent no natural gas to sale.

(8) REPORTING.—Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subsection (a) or section 111 of the Clean Air Act to ensure the reporting under such subpart, and calculation of charges under subsections (e) and (f) of this section, are based on empirical data collected pursuant to subsection (a)(4), accurately reflect the total methane emissions
and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data, in a manner to be described by the Administrator, to demonstrate the extent to which a charge under subsection (c) is owed.

"(j) LIABILITY FOR CHARGE PAYMENT.—Except as established under this section, a facility owner or operator’s liability for payment of the charge under subsection (c) is not affected in any way by emission standards, fees, penalties, or other requirements under this Act or any other legal authorities.

"(k) DEFINITION OF GREENHOUSE GAS.—In this section the term ‘greenhouse gas’ means the meaning given in the term in section 211(o)(1)(G) (as in effect on the date of enactment of this section).

SEC. 6011. ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting, enforcement, through the hiring, training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems, and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

Subtitle B—Hazardous Materials

SEC. 60201. ENVIRONMENTAL AND CLIMATE JUS-TICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 134, an amount otherwise available, there is appropriated to the Environmental Protection Agency for the fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting, enforcement, through the hiring, training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of geographic information systems, and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 60202. SUPERFUND.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 through 9675).

SEC. 60301. INCREASE IN PREMIUM TAX CREDIT.

The tax credit allowed by section 213(c)(9)(A)(i) is increased by- (A) in the case of qualified sick and medical expenses, by the amount of the excess (if any) of the qualified expenses determined under paragraph (4) over the catastrophic insurance coverage deduction otherwise allowed by section 213(c)(1).

SEC. 60302. CONGRESSIONAL RECORD — SENATE

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"(C) in the regular course of the trade or business of the entity, creating, hosting, or making available pornographic content provided by a user or other information content provider to a person to earn a profit as a result of those activities.

(2) PORNOGRAPHIC CONTENT.—The term ‘pornographic content’ means, with respect to a product, a photograph, graphic image file, film, video tape, or other visual depiction, that such picture, image, graphic image file, film, videotape, or other depiction depicts an actual or simulated sexual act or sexual contact (as defined in section 2246 of title 18, United States Code), actual or simulate normal or perverted sexual acts, or lewd exhibition of the genitals.

(c) PAYMENT OF TAX.—For purposes of this section, rules similar to the rules of section 5000B(c) shall apply.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to chapter 50A the following new item:

“Chapter 50B.—Online Pornographic Services’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales made after the date of enactment of this Act.

SEC. 4. ENHANCEMENT OF ADOPTION TAX CREDIT.

(a) INCREASE IN AMOUNTS.—

(1) IN GENERAL.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 is amended by striking ‘‘$10,000’’ and inserting ‘‘$20,000’’.

(2) ADOPTION OF CHILD WITH SPECIAL NEEDS.—Paragraph (3) of section 23(a) of such Code is amended—

(A) by striking ‘‘$10,000’’ in the heading and inserting ‘‘$20,000’’, and

(B) by striking ‘‘$10,000’’ and inserting ‘‘$20,000’’.

(b) INFLATION ADJUSTMENT OF INCOME LIMITATION.—Subsection (g) of section 23 of the Internal Revenue Code of 1986 is amended—

(1) by striking “December 31, 2002” and inserting “December 31, 2022”, and

(2) by striking “2001” in paragraph (2) thereof and inserting “2021”.

(c) MEDICAL EXPENSES.—23(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(4) MEDICAL EXPENSES.—The term ‘qualifying adoption expenses’ shall include any reasonable expenses which are—

(A) related to the pregnancy and birth of an eligible child,

(B) incurred by an individual who has adopted such child, and

(C) not reimbursed under a health plan or otherwise.

(d) TEMPORARY REFUNDABILITY.—

(1) IN GENERAL.—Section 23 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) TEMPORARY REFUNDABILITY.—

“(1) IN GENERAL.—In the case of a taxable year beginning after December 31, 2022, and before January 1, 2028, this section shall be applied as provided in paragraph (2).

“(2) PROVISION OF CREDIT REFUNDABLE.—The aggregate credits allowed to a taxpayer under subsection (b) shall be increased by the lesser of—

(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), and

(B) the amount by which the aggregate amount of credits allowed by this subsection (determined without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the greater of—

“(i) 15 percent of so much of the taxpayer’s earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year so exceeds the amount of dependency or social security taxes for the taxable year, over

“(ii) the credit allowed under section 32 for the taxable year.

“(3) ADDITIONAL RULES.—The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credits otherwise allowed under section 26(a) without regard to section 26(a). For purposes of subparagraph (B) of paragraph (2), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

“(4) SOCIAL SECURITY TAXES.—For purposes of this subsection, the term ‘social security taxes’ has the same meaning given such term under section 24(d)(2).

“(5) EXCEPTION FOR TAXPayers EXCLUDING FOREIGN SECURITY TAXES.—For purposes of this subsection, in the case of a taxpayer who elects to exclude any amount from gross income section 911 for such taxable year.

“(6) CONFORMING AMENDMENT.—Section 23401(1) is amended by inserting ‘‘(after the application of subsection (j))’’ after ‘‘for any taxable year’’.

“(7) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5334. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 5736, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. TEMPORARY EXEMPTIONS FROM FTA INFANT FORMULA REQUIREMENTS.

(a) IN GENERAL.—With respect to any infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce during the 187-day period beginning on the date of the enactment of this Act—

(1) the requirements under section 412 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a) shall not apply;

(2) such infant formula may be manufactured, processed, packed, or held in a domestic or foreign facility that is not registered under section 415 of such Act (21 U.S.C. 350d);

(3) the requirements under paragraphs 106 and 107 of title 21, Code of Federal Regulations, shall not apply; and

(4) such infant formula shall not be considered to be misbranded or adulterated solely on the basis of not being in compliance with the requirements of such section 412 or 415, or such part 106 or 107.

(b) NOTIFICATION REQUIREMENT.—

(1) IN GENERAL.—A person who introduces or delivers for introduction into interstate commerce an infant formula as described in subsection (a) shall notify the Secretary of Health and Human Services (referred to in this subsection as the ‘‘Secretary’’) if such person has knowledge which reasonably supports the conclusion that such infant formula—

(A) may not provide the nutrients required by section 412(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350i); or

(B) is a product that meets any criterion under section 402(a) of such Act (21 U.S.C. 342(a)), or which otherwise may be unsafe for infant consumption.

(2) KNOWLEDGE DEFINED.—For purposes of paragraph (1), the term ‘knowledge’ as applied to a person subject to such subparagraph means—

(A) the actual knowledge that the manufacturer had; or

(B) knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

(c) RECALL AUTHORITY.—If the Secretary determines that infant formula described in subsection (e) and introduced or delivered for introduction into interstate commerce is a product described in subsection (b)(1)(B), the manufacturer or importer shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary.

(d) CLASSIFICATION.—Section 801(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(j)) shall apply with respect to any infant formula introduced or delivered for introduction into interstate commerce during the 187-day period beginning on the date of enactment of this Act.

(e) INFANT FORMULA DESCRIBED.—Infant formula is described in this subsection if the infant formula—

(1) is classified under heading 1901.10 of the Harmonized Tariff Schedule of the United States;

(2) was approved by the agency of the government of that country that regulates infant formula, and

(3) is imported from—

(A) Australia;

(B) Israel;

(C) Japan;

(D) New Zealand;

(E) Switzerland;

(F) South Africa;

(G) the United Kingdom;

(H) a member country of the European Union; or

(I) a member country of the European Economic Area.

SA 5335. Mr. LEE submitted an amendment intended to be proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7008. OFFICE OF FEDERAL REGULATORY RELIEF.

(a) ESTABLISHMENT.—There is established within the Office of Information and Regulatory Affairs within the Office of Management and Budget an Office of Federal Regulatory Relief, which shall be known as the ‘‘Office of Federal Regulatory Relief’’.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be the Administrator or a designee thereof, who shall—

(A) be responsible for—

(i) establishing a regulatory sandbox program described in section 7009;

(ii) receiving Program applications and determining the requirements for the approval of applications; and

(iii) referring complete Program applications to the applicable agencies;

(iii) referring complete Program applications to the applicable agencies;

(iv) filing final Program application decisions from the applicable agencies;

(v) hearing appeals from applicants if their applications are denied by an applicable agency in accordance with section 7009(c)(6); and

(vi) designating staff to the Office as needed; and
(B) not later than 180 days after the date of enactment of this Act—

(i) establish a process that is used to assess likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers related to applications submitted for the Program, which shall—

(I) published in the Federal Register and made publicly available with a detailed list of the criteria used to make such determinations; and

(II) subject to public comment before final publication in the Federal Register; and

(ii) establish the application process described in section 70009(c)(1).

(2) ADVISORY BOARDS.—

(A) ESTABLISHMENT.—The Director shall require the head of each agency to establish an advisory board, which shall—

(i) be composed of 10 private sector representatives appointed by the head of the agency;

(ii) with expertise in matters under the jurisdiction of the agency, with not more than 5 representatives from the same political party;

(iii) who will serve for a period of not more than 3 years; and

(iv) who shall not receive any compensation for participation on the advisory board; and

(b) be responsible for providing input to the head of the agency for each Program application received by the agency.

(B) VACANCY.—A vacancy on an advisory board established under subparagraph (A), including a temporary vacancy due to a refusal under subparagraph (C), shall be filled in the same manner as the original appointment with an individual who meets the qualifications described in subparagraph (A).

(C) CONFLICT OF INTEREST.—

(i) IN GENERAL.—If a member of an advisory board established under subparagraph (A) is also the member of the board of an applicant that submits an application under review by the advisory board, the head of the agency or a designee thereof may appoint a temporary replacement for that member.

(ii) INVESTIGATIVE OR CRIMINAL.—Each member of an advisory board established under subparagraph (A) shall recuse themselves from advising on an application submitted under the Program for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

(3) AGENCY REVIEW.—

(A) RECORD OF DECISION.—Not later than 180 days after receiving a copy of an application under paragraph (1), the Office shall submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the applicant is seeking to have waived protects against; and—

(i) if the application is approved, a description of how the significant harms will be mitigated and how consumers will be protected under the waiver;

(ii) if the applicable agency denies the waiver, a description of how the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(iii) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that an applicant is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(B) NO RECORD SUBMITTED.—If the applicable agency does not submit a record of the decision with respect to an application for a waiver submitted to the applicable agency, and

(i) it is possible to provide the applicant a waiver even if the Office does not waive every covered provision requested by the applicant, then

(ii) in part approval.

(1) IN GENERAL.—The Director shall approve or deny the application and submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the applicant is seeking to have waived protects against, and—

(i) if the application is approved, a description of how the significant harms will be mitigated and how consumers will be protected under the waiver;

(ii) if the applicable agency denies the application, a description of how the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(iii) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that an applicant is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(2) AGENCY CONSIDERATIONS.—In reviewing a copy of an application submitted to an advisory board under subparagraph (A), the head of the applicable agency, or a designee thereof, with input from the advisory board established under subparagraph (A), shall, with the consideration of the recommendations of the advisory board of the applicable agency established under section 70008(b)(2), make the final decision to grant or deny the application.

(3) IN PART APPROVAL.—

(1) IN GENERAL.—If more than 1 applicable agency receives a copy of an application under subparagraph (A), the applicable agency shall—

(ii) in part approval.

(1) IN GENERAL.—If the Office does not waive every covered provision requested by the applicant, then

(ii) in part approval.

(1) IN GENERAL.—If the Office does not waive every covered provision requested by the applicant, then

(iii) if the application is approved, a description of how the significant harms will be mitigated and how consumers will be protected under the waiver.

(iii) if the application is approved, a description of how the significant harms will be mitigated and how consumers will be protected under the waiver.

(iii) if the application is approved, a description of how the significant harms will be mitigated and how consumers will be protected under the waiver;
the Office shall determine that the applicable agency shall not be subject to the criminal or civil enforcement before the initial period ends under subsection (d)(1).

(8) APPEALS.—

(A) In general.—If an applicable agency grants a waiver requested in an application submitted under paragraph (1), the applicant shall submit an appeal to the Office within 60 days after receiving the appeal to the Office that the applicant may appeal the decision to the Office.

(B) Continuance.—The Office may continue a waiver granted under the Program for a maximum of 2 years as determined by the Office.

(C) Notice.—If the Office makes a determination on an appeal under paragraph (2) that the application fee from each applicant under the Program, which—

(i) shall be in a fair amount and reflect the cost of providing the service; and

(ii) shall be deposited in the general fund of the Treasury and allocated to the Office, subject to appropriations; and

(iii) shall not be increased more frequently than once every 2 years.

(6) Written Agreement.—If each applicable agency grants a waiver in an application submitted under paragraph (1), the waiver shall not be effective until the applicant enters into a written agreement with the Office that describes each covered provision that is waivered under the Program.

(7) Limitation.—An applicable agency may not waive under the Program any tax, fee, or charge imposed by the Federal Government.

(8) Appeals.—

(A) In general.—If an applicable agency denies an application under paragraph (3)(E), the applicant may submit to the Office an appeal for reconsideration, which shall—

(i) address the comments of the applicable agency that resulted in denial of the application; and

(ii) include the applicability plans to mitigate the likely risks identified by the applicable agency.

(B) Office response.—Not later than 60 days after receiving an appeal under subparagraph (A), the Director shall—

(i) determine whether the appeal sufficiently addresses the concerns of the applicable agency; and

(ii)(I) if the Director determines that the appeal sufficiently addresses the concerns of the applicable agency, file a record of decision detailing how the concerns have been remedied and approve the application; or

(II) if the Director determines that the appeal does not sufficiently address the concerns of the applicable agency, file a record of decision detailing how the concerns have not been remedied and deny the application.

(9) NONDISCRIMINATION.—The Office shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason in the implementation of the Program.
(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the covered provisions that were recommended for repeal under paragraph (2)(A)(i) in special messages submitted to Congress under that paragraph; and

(ii) a provision that immediately repeals the list of provisions described in paragraph (2)(A)(ii) upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) Submission.—(A) In General.—Not later than the first day on which both Houses of Congress are in session, during each year, the Director shall submit to Congress a special message that—

(i) details each covered provision that the Office recommends should be amended or repealed as a result of entities being able to operate safely without those covered provisions during the Program; and

(ii) explains why each covered provision described in clauses (i) and (ii) should be amended or repealed.

(B) Delivery to House and Senate.—Printing—

(i) Each special message submitted under subparagraph (A) shall be—

(1) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(2) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—(A) Not later than 15 days after the date on which the committee of the Senate to which a covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—(A) MOTION TO PROCEED.—

(i) GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—(I) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(II) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(ii) a covered provision recommended for amendment or repeal by the Office.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, except an appeal from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the receiving House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—(A) AN EXAMPLE OF PARAGRAPHS (3) THROUGH (7) ARE ENACTED.—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in consideration of covered resolutions, and supercede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same man-

ner, and to the same extent as in the case of any other rule of that House.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an entity that is granted a waiver under this section to publicly disclose proprietary information, including trade secrets, or to the extent that such information is privileged or confidential; or

(k) AFFECT ANY OTHER LAW OR REGULATIONS APPLICABLE TO THAT ENTITY THAT IS NOT INCLUDED IN A WAIVER PROVIDED UNDER THIS SECTION.

(L) DIRECT APPROPRIATIONS.—There is appropriated to the Office for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available through September 30, 2023, to carry out the Program.

SEC. 70010. DEFINITIONS

In sections 70008 and 70009:

(1) ADMINISTRATOR.—The term “Administrator” means the Director of the Office of Information and Regulatory Affairs.

(2) AGENCY.—The term “agency” and “rule” have the meanings given those terms in section 551 of title 5, United States Code.

(3) APPLICABLE AGENCY.—The term “applicable agency” means an agency that has jurisdiction over the section or implementation covered provision for which an applicant is seeking a waiver under the Program.

(4) COVERED PROVISION.—The term “covered provision” means—

(A) a rule, including a rule required to be issued under law; or

(B) guidance or any other document issued by an agency.

(5) DIRECTOR.—The term “Director” means the Director of the Office of Information and Regulatory Affairs.

(6) ECONOMIC DAMAGE.—The term “economic damage” means a risk that is likely to cause tangible, physical harm to the property, or assets of covered entities.

(7) HEALTH OR SAFETY.—The term “health or safety”, with respect to a risk, means the risk is likely to cause bodily harm to a human life, loss of human life, or an inability to sustain the health or life of a human being.

(8) OFFICE.—The term “Office” means the Office of Federal Regulatory Relief established under section 70008(a).

(9) PROGRAM.—The term “Program” means the program established under section 70008.

(10) UNFAIR OR DECEPTIVE TRADE PRACTICE.—The term “unfair or deceptive trade practice” has the meaning given the term in—

(A) the Policy Statement of the Federal Trade Commission on Deception, issued on October 14, 1983; and

(B) the Policy Statement of the Federal Trade Commission on Unfairness, issued on December 17, 1980.

SA 5336. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con Res 14, to which an order of priority was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 40008. ACTIONS BY NATIONAL MARINE FISHERIES SERVICE TO INCREASE ENERGY PRODUCTION.

(A) IN GENERAL.—The National Marine Fisheries Service shall—

(1) require an entity that is granted a waiver under this section to publicly disclose the backlog of letters of authorization from Federal oil and gas leases to develop their Federal oil and gas leases; and

(2) not later than 45 days after such date of enactment, issue an interim rule that allows
the Service to approve outstanding and future applications for letters of authorization consistent with the Service’s permitting activities that existed before the issuance, on January 23, 2021, of the final rule relating to taking marine mammals incidental to geo-
physical surveys related to oil and gas activities in the Gulf of Mexico (86 Fed. Reg. 5222); and

(3) on and after such date of enactment, prioritize the consideration of applications for letters of authorization that would likely lead to any current or proposed 

amendment to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 40003, strike the period at the end and insert the following, with the goal of completing all of the permitting and approval processes for each proposed action not later than two years after commencement: “;

SA 5337. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 50302, insert “that are completed not later than 2 years after commencement” before the period at the end.

SA 5338. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 729, line 22, strike “timely” and insert “expedited”.

SA 5340. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 718, strike lines 20 through 23 and insert the following:

(a)(i) the number of proposed actions for which a Federal agency issued an environmental assessment in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental assessment;

(b) the number of actions proposed by a Federal agency that are pending as of the date on which the information required under this paragraph is published and for which issuance of an environmental assessment is pending; and

(c)(i) the number of proposed actions for which a Federal agency issued an environmental assessment in the year preceding the date of enactment of this Act; and

(ii) the length of time that the Federal agency took to complete each such environmental assessment;

(3) the solicitation, collection, and publication of recommendations described in subsection (b)(6)(C); and

(4) reports to Congress on the findings of the Task Force described in subsection (b)(6)(D).

(b) TASK FORCE.—

(1) MEMBERSHIP.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force and shall be a non-voting, ex officio member of the Task Force; and

(B) 1 representative of the Office of Information and Regulatory Affairs, who shall be a non-voting, ex officio member of the Task Force; and

(C) 16 individuals from the private sector, of whom—

(i) 4 shall be appointed by the majority leader of the Senate;

(ii) 4 shall be appointed by the minority leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives; and

(iv) 4 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with substantial expertise in the regulatory policy, Federal regulatory compliance, economics, law, or business management.

(B) SMALL BUSINESS CONCERNS.—No fewer than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(d) TASK FORCE APPROPRIATION.—No member of the Task Force may receive any compensation for serving on the Task Force.

(e) STAFF.—

(A) DESIGNATION OF EXISTING STAFF.—The Director of the Office of Management and Budget may designate employees of the Office of Management and Budget, including employees of the Office of Information and Regulatory Affairs, as necessary to help the Task Force carry out its duties under this section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the provision of any additional compensation to an employee designated under that subparagraph.

(f) RESPONSIBILITIES.—The Task Force shall—

(A) evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations or guidance that—

(i) exclude or otherwise inhibit competition, causing industries of the United States to be less competitive with global competitors;

(ii) create barriers to entry for United States businesses, including entrepreneurs and startups; and

(iii) increase the operating costs for domestic manufacturing;

(B) impose substantial compliance costs and other burdens on industries of the United States, making those industries less competitive with global competitors;
(v) impose burdensome and lengthy permitting processes and requirements;
(vi) impact energy production by United States businesses and make the United States dependent on foreign countries for energy supply;
(vii) restrict domestic mining, including the mining of critical minerals; or
(viii) inhibit critical mineral information in the economy of the United States;
(B) establish and maintain a user-friendly, public-facing website to—
(i) solicit for the submission of written comments under subparagraph (C); and
(ii) a gateway for reports and key information;
(C) not later than 15 days after the first meeting of the Task Force, initiate a process to solicit and collect written recommendations regarding definitions or guidance described in subparagraph (A) from the general public, interested parties, Federal agencies, and other relevant entities;
(ii) allow written recommendations under clause (i) to be submitted through—
(I) the website of the Task Force;
(II) regulations.gov;
(III) the Federal Register;
(IV) other appropriate written means;
(iii) publish each recommendation submitted under clause (i) in—
(I) the Federal Register;
(II) the website of the Task Force; and
(III) on regulations.gov;
(iv) in addition to soliciting and collecting written recommendations under clause (i), conduct public outreach and convene focus groups in geographically diverse areas throughout the United States to solicit feedback and public comments regarding regulations or guidance described in subparagraph (A) and review the information received under clauses (i) and (iv) and consider including that information in the reports required under subparagraph (D); and
(D) submit quarterly and annual reports to Congress on the findings of the Task Force under this section that, subject to clause (iii) of this subparagraph—
(i) analyze the Federal regulations or guidance identified in accordance with subparagraph (A);
(ii) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations or guidance described in clause (i) of this subparagraph; and
(iii) provide or recommend a harmonization if a majority of the members of the Task Force have approved the finding or recommendation.
(c) D U T Y OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

SA 5343. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3276, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 3. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.
(a) In General.—Section 168(m)(2)(B) of such Code is amended by adding at the end the following new subsection:

(3) Section 168(m)(2)(B) of such Code is amended by adding at the end the following new clause:

(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,
(iii) which is—
(I) constructed, reconstructed, or erected by the taxpayer, or
(ii) acquired by the taxpayer if the original use of such property commences with the taxpayer;
(iv) which is—
(I) used for purposes of cargo handling, and
(II) remotely operated or remotely monitored (with or without the exercise of human intervention or control), and

SA 5344. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3276, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 3. DUTY-FREE TREATMENT OF CERTAIN CHASSIS.
(a) In General.—Section 168(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(3) Section 168(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

(2) QUALIFIED MANUFACTURING PROPERTY.—For purposes of this subsection—
(A) IN GENERAL.—The term ‘qualified manufacturing property’ means any property—
(i) which is tangible property,
(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,
(iii) which is—
(I) constructed, reconstructed, or erected by the taxpayer, or
(ii) acquired by the taxpayer if the original use of such property commences with the taxpayer;
(iv) which is—
(I) used for purposes of cargo handling, and
(II) remotely operated or remotely monitored (with or without the exercise of human intervention or control), and

SA 5345. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3276, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 3. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED CARGO HANDLING PROPERTY.
(a) In General.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(2) QUALIFIED CARGO HANDLING PROPERTY.—For purposes of this subsection—
(A) In General.—The term ‘qualified cargo handling property’ means any property—
(i) which is tangible property,
(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,
(iii) which is—
(I) constructed, reconstructed, or erected by the taxpayer, or
(ii) acquired by the taxpayer if the original use of such property commences with the taxpayer;
(iv) which is—
(I) used for purposes of cargo handling, and
(II) remotely operated or remotely monitored (with or without the exercise of human intervention or control), and

SA 5346. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3276, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

SEC. 3. DUTY-FREE TREATMENT OF CERTAIN CHASSIS.
(a) In General.—Section 168(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(2) QUALIFIED CARGO HANDLING PROPERTY.—For purposes of this subsection—
(A) In General.—The term ‘qualified cargo handling property’ means any property—
(i) which is tangible property,
(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,
“(v) the construction of which begins before January 1, 2028.

“(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

“(i) IN GENERAL.—The term ‘qualified cargo handling property’ includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A), or

“(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, in other functions unrelated to cargo handling.

“(3) EXCEPTIONS.—

“(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

“(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

“(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(5) shall apply.

“(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(C) shall apply.

“(6) RICAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified cargo handling property which ceases to be qualified cargo handling property.

(b) CONFORMING AMENDMENT.—Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) COORDINATION WITH QUALIFIED CARGO HANDLING PROPERTY.—The term ‘qualified property’ shall not include any property to which subsection (n) applies.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5346. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title 1, add the following:

“SEC.

... TAX TREATMENT OF LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM ...

(a) IN GENERAL.—Section 197 of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) TEMPORARY SPECIAL RULE FOR LICENSES FOR THE USE OF THE ELECTROMAGNETIC SPECTRUM.—

“(1) IN GENERAL.—At the election of the taxpayer, in the case of any license, permit, or other right granted by a governmental unit or agency in consideration thereof which is purchased at auction—

“(A) subsection (a) shall not apply, and

“(B) such license, permit, or other right shall be chargeable to capital account and shall not be allowed as a deduction.

“(2) TERMINATION.—This subsection shall not apply to any property acquired after September 30, 2021.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property acquired after the date of the enactment of this Act.

SA 5347. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC.

... REPEAL OF SECTION 466 OF TARIFF ACT...

Section 466 of Tariff Act of 1930 (19 U.S.C. 1466) is repealed.

SA 5348. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC.

... COSTS AND FEES OF PARTIES...

(a) Title 5.—Section 504(b)(1)(A) of title 5, United States Code, is amended by striking ‘or a special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved,’.

(b) Title 28.—Section 2412(d)(2) of title 28, United States Code, is amended by striking ‘or a special factor, such as the limited availability of qualified attorneys for the proceedings involved,.’

SA 5349. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

In part 4 of subtitle D of title 1, strike all that precedes section 13403.

SA 5350. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Title I is amended by striking subtitles C and D and inserting the following:

Subtitle C—Other Provisions

PART 1—PERMANENT EXPENSING

SEC. 12101. PERMANENT FULL EXPENSING FOR QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (6) of section 168(k) is amended to read as follows:

“(6) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term ‘applicable percentage’ means, in the case of property placed in service (or, in the case of a specified plant described in paragraph (5), a plant which is planted or grafted) after September 27, 2017, 100 percent.

(b) CONFORMING AMENDMENTS.—

(1) Section 168(k) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(I) in clause (i)(V), by inserting ‘‘and’’ at the end,

(ii) in clause (ii), by striking ‘‘clause (i) of subparagraph (E),’’ and inserting ‘‘clause (i) of subparagraph (E),’’,

(II) by redesignating clauses (II) and (III) of subparagraph (B)(ii) as clauses (i) and (ii), respectively, and

(b) in paragraph (5)(A), by striking ‘‘planted before January 1, 2027, or is grafted before such date to a plant that has already been planted,’’ and inserting ‘‘planted or grafted’’;

(2) Section 460(c)(6)(B) of such Code is amended by striking ‘‘which’’ and all that follows through the period and inserting ‘‘which has a recovery period of 7 years or less.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13201 of Public Law 115–97.

PART 2—SUPERFUND

SEC. 12201. REINSTATEMENT OF SUPERFUND.

(a) HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—

(1) EXTENSION.—Section 4611 is amended by striking subsection (e).

(2) ADJUSTMENT FOR INFLATION.—

(A) Section 4611(c)(2)(A) is amended by striking ‘‘9.7 cents’’ and inserting ‘‘16.4 cents’’.

(B) Section 4611(c) is amended by adding at the end the following:

“(5) ADJUSTMENT FOR INFLATION.—

“(A) IN GENERAL.—In the case of a year beginning after 2023, the amount in paragraph (2)(A) shall be increased by an amount equal to—

“(i) such amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting ‘calendar year 2023’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(B) ROUNDED.—If any amount as adjusted under subparagraph (A) is not a multiple of $0.01, such amount shall be rounded to the next lowest multiple of $0.01.’’

(b) AUTHORITY FOR ADVANCES.—Section 9507(d)(3)(B) is amended by striking ‘‘December 31, 1999’’ and inserting ‘‘December 31, 2022’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

PART 3—OTHER PROVISIONS

SEC. 12301. PERMANENT EXTENSION OF TAX RATE TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 4121 is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales in calendar quarters beginning after the date of the enactment of this Act.

SEC. 12302. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ‘‘AMOUNT. ‘‘The amount’’ and inserting ‘‘AMOUNT. — ‘‘The amount’’,

(II) by striking clause (iii), (ii) in subparagraph (B)—

(aa) by striking subclauses (II) and (III), and

(bb) by redesignating subclauses (IV) through (VI) as subclauses (II) through (IV), respectively,

(II) by striking clause (ii), and

(iii) in subparagraph (C)—

(I) in clause (i), by striking ‘‘and’’ subclauses (II) and (III) of subparagraph (B)(ii), and

(II) in clause (ii), by striking ‘‘subparagraph (B)(ii),’’ and

(iv) in subparagraph (E)—

(I) by striking clause (i), and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) in paragraph (5)(A), by striking ‘‘planted before January 1, 2027, or is grafted before such date to a plant that has already been planted,’’ and inserting ‘‘planted or grafted’’;

(2) Section 460(c)(6)(B) of such Code is amended by striking ‘‘which’’ and all that follows through the period and inserting ‘‘which has a recovery period of 7 years or less.’’

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 13201 of Public Law 115–97.
(2) by adding at the end the following new subclause:

‘‘(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount under subclause (I) shall be increased by $250,000.’’.

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking “for a taxable year, there shall be allowed” and inserting “for a taxable year—

‘‘(A) there shall be allowed’’,

(B) by striking “equal to the” and inserting “equal to so much of the”.

(C) by adding at the end the following new subparagraph:

‘‘(B) there shall be allowed as a credit against the tax imposed by subsection (b) for any calendar quarter, and the credit allowed under paragraph (3) of section 41(h)(2) as is not allowed as a credit under subparagraph (A).’’.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5351. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking “for a taxable year, there shall be allowed” and inserting “for a taxable year—

‘‘(A) there shall be allowed’’,

(B) by striking ‘‘calendar quarter’’.

(2) ALLOWANCE OF CREDIT.—

(A) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5352. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5353. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5354. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5355. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5356. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5357. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5358. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(a) In General.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Amounts made available under title III of the American Rescue Plan Act Fund are to be used for projects that—

(i) prevent crime; and

(ii) increase resident safety;
SA 5359. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Extending Telehealth Flexibilities Under Medicare

SEC. 14001. REMOVING GEOGRAPHIC REQUIREMENT FOR EXPANDING ORIGINATING SITES FOR TELEHEALTH SERVICES.

Section 183(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(A)(ii), by striking “With” and inserting “In the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, with”; and

(2) by striking “that are furnished during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “that are furnished during the period beginning on the first day after the end of such emergency period and ending September 12, 2023”; and

SEC. 14002. EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.

Section 183(m)(4)(E) of the Social Security Act (42 U.S.C. 1395m(m)(4)(E)) is amended by striking “and, in the case that the emergency period described in section 1135(g)(1)(B) ends before September 12, 2023, the Secretary shall continue to provide coverage and payment under this part for telehealth services identified in paragraph (4)(F)(i) as of the date of the enactment of this paragraph that are furnished via an audio-only communications system during the 151-day period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B)” and inserting “‘audio-only telehealth services,’” (7) EXCLUDED ENTITIES. For purposes of this section, the term ‘new clean vehicle’ shall not include—

(1) any vehicle placed in service after December 31, 2023, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

(i) by a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18014(a)(5))), or

(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.

SA 5360. Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 391, strike line 22 and all that follows through page 393, line 13, and insert the following:

“(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)(2)),” $150,000.

“(ii) in the case of a head of household (as defined in section 2(b)),” $122,500, and

“(iii) in the case of a taxpayer not described in clause (i) or (ii), $75,000.

(C) MODIFIED ADJUSTED GROSS INCOME. For purposes of this paragraph, ‘modified adjusted gross income’ means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

(11) MANUFACTURER’S SUGGESTED RETAIL PRICE LIMITATION.—No credit shall be allowed under subsection (a) for a vehicle with a manufacturer’s suggested retail price in excess of $42,000.”.

SA 5361. Ms. ERNST (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 390, strike lines 1 through 18 and insert the following:

“(7) EXCLUDED ENTITIES.—For purposes of this section, the term ‘new clean vehicle’ shall not include—

(A) any vehicle placed in service after December 31, 2023, with respect to which any of the applicable critical minerals contained in the battery of such vehicle (as described in subsection (e)(2)(A)) were manufactured or assembled—

(i) by a foreign entity of concern (as so defined), or

(ii) in a country which is subject to an active withhold release order or finding issued by United States Customs and Border Protection of the Department of Homeland Security.

SA 5362. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Beginning on page 692, strike line 19 and all that follows through page 693, line 12.

SA 5363. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title...
II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 396, strike line 7 and all that follows through page 390, line 18, and insert the following:

“(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle is that, with respect to the electric motor of such vehicle and the battery from which such electric motor draws electricity, the percentage of the value of the applicable critical minerals contained in the electric motor or battery of such vehicle (as described in subsection (e)(1)(A)) were—

(i) extracted or processed in any country with which the United States has a free trade agreement in effect, or

(ii) in the case of a foreign entity of concern (as defined in section 40207(a)(5) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18741(a)(5))), or

(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—

(i) in the case of a vehicle placed in service during calendar year 2027, 20 percent, and

(ii) in the case of a vehicle placed in service during any calendar year 2028 or later, 10 percent.

(2) REGULATIONS AND GUIDANCE.—

(A) IN GENERAL.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of administering the requirements of this subsection.

(B) DEADLINE FOR PROPOSED GUIDANCE.—Not later than December 31, 2022, the Secretary shall provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 391, strike line 19 and all that follows through page 392, line 5, and insert the following:

(B) THRESHOLD AMOUNT.—For purposes of subparagraph (A)(ii), the threshold amount shall be—

(i) in the case of a joint return or a surviving spouse (as defined in section 2(a)), $100,000; and

(ii) in the case of a taxpayer not described in clause (i), $50,000.

SA 5364. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3756, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 507, insert the following:

SEC. 50173. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, there are available through September 30, 2023—

(1) $100,000,000 to carry out the program elements described in subparagraphs (A) through (C) of section 30D(d)(1), or

(2) $500,000,000 to carry out the program elements described in subparagraphs (D) through (H) of that section; and

(3) $100,000,000 to carry out activities to support the availability of high-assay low-enriched uranium for civilian domestic research, development, demonstration, and commercial use under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281(a)(2)).

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16281).

(c) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 3 percent of the amounts appropriated by subsection (a) for administrative purposes.

(d) AUTHORITY.—Any amounts appropriated by subsection (a) may not be used to purchase or otherwise acquire, use, or make available for use, support the availability of, or otherwise provide funding for, uranium or other nuclear fuel that is sourced from—

(1) the Russian Federation; or

(2) an entity that—

(A) is owned or controlled by the Government of the Russian Federation; or

(B) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation.

SA 5367. Mr. CRAMER submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3756, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 5030. PERMITTING AND REVIEW PROCESSES FOR DOMESTIC HARDROCK MINERAL PRODUCTION.

(a) FINDINGS.—Congress finds that—

(1) the United States is not only reliant on foreign sources for many of the raw materials needed for the economic and national

security of the United States, but is also attracting a decreasing share of global investment in the raw materials sector, a sector important to the economic and national security of the United States; and

(2) that trends of increased reliance on foreign sources for raw materials and decreasing global investment in the domestic raw materials supply chains have serious and negative implications for the domestic mineral supply chains necessary for technological innovation, modern infrastructure, and national security.

(b) PERMITTING.—The Secretary of the Interior, the Administrator of the Environment Protection Agency, the Secretary of the Treasury, and the Chief of the Forest Service shall work collaboratively to reverse the trends described in subsection (a)(2) by—

(1) streamlining permitting and review processes to ensure that all necessary use authorizations for domestic hardrock mineral production are completed not later than 2 years after receipt of the applicable request or application; and

(2) enhancing access to all hardrock mineral resources in order to increase discovery, production, and domestic refining of critical minerals by—

(A) evaluating and, where appropriate, reversing prior withdrawals from location, entry, and patent under the mining laws; and

(B) ensuring that future withdrawals from location, entry, and patent under the mining laws can only occur if—

(i) related geological assessments have been completed;

(ii) the Governors of relevant States have been consulted; and

(iii) the acreage of any single withdrawal does not exceed 5,000 acres.

(c) RULEMAKING.—The Chief of the Forest Service shall revise all relevant regulations of the Forest Service governing hardrock mineral production on Federal land in order to ensure that those regulations are consistent with—

(1) the requirements of this section; and

(2) relevant regulations of the Bureau of Land Management.

SA 5368. Mr. Cramer submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 23003 and insert the following:

SEC. 23003. FOREST SERVICE MAINTENANCE.

In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2021—

(1) $600,000,000 for Forest Service recreation maintenance for campgrounds and recreation areas; and

(2) $1,000,000,000 for deferred maintenance of Forest Service roads and trails, subject to the condition that none of those funds may be used to decommission roads.

SA 5372. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

SEC. 11005. STRIKING THE PROVISIONS THAT PRECLUDE ADMINISTRATIVE OR JUDICIAL REVIEW.

(a) DRUG PRICE NEGOTIATION PROGRAM.—Part E of title II of the Social Security Act, as added by section 11001, is amended by striking section 1198.

(b) MEDICARE PART D REBATE.—Section 18003(a)(2) of the Social Security Act, as added by section 11102, is amended by striking subsection (f).

(c) OFFSET.—The amount appropriated under section 10301(a)(1)(A)(i) shall be reduced by $45,000,000,000.

SA 5373. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 10301(a)(1), strike subparagraph (B) and insert the following:

(B) REDUCTION IN IRS RETURN BACKLOG.—For necessary expenses of the Internal Revenue Service for reducing the backlog in processing income tax returns for tax years 2020 and 2021, $15,000,000,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5374. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

(4) LIMITATION.—None of the funds appropriated under this section may be obligated before the date on which he Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable years 2020 and 2021 has been eliminated.

SA 5375. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 10301(a) carry out and insert—

"(i) to increase oil refinery capacity in the United States using authorities under";

SA 5376. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

(g) ONSHORE WIND AND SOLAR ENERGY ROYALTY RATE.—

(1) IN GENERAL.—The Secretary shall require, as a term and condition of any lease, right-of-way, permit, or other authorization for the development of new energy on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the payment of a royalty in accordance with paragraph (2).

(2) AMOUNT.—The royalty on electricity produced using wind or solar resources under paragraph (1) shall not be less than 16½ percent, but not more than 18 percent, during the 10-year period beginning on the date of enactment of this Act, and not less than 16½ percent thereafter, of the gross proceeds from the sale of that electricity.

(3) DEPOSIT.—Amounts received by the United States as royalties under this subsection shall be deposited in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SA 5377. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50261 and insert the following:

SEC. 50261. OFFSHORE WIND ENERGY ROYALTY RATE.

Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1361(p)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "a "The Secretary" and inserting the following:

"(A) ROYALTIES, FEES, RENTALS, BONUSES, OR OTHER PAYMENTS.—"

(2) in subparagraph (B)—

(B) by adding at the end the following:

"(II) ROYALTY FROM WIND-POWERED ELECTRIC GENERATION PROJECTS.—In establishing the royalty rate for a lease, easement, or right-of-way granted under paragraph (1)(C) for a wind-powered electric generation project, the Secretary shall establish the rate at not less than 12.5 percent of the gross proceeds from the sale of electricity produced by the wind-powered electric generation project."; and

(B) in the first sentence, by inserting "including amounts received as royalties, as established under subparagraph (A)(ii)" after "under this section".

SA 5378. Mr. Cramer submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike sections 60501 through 60506 and insert the following:

SEC. 60501. INCREASE OF Royalties for Hardrock Mineral Leases.
SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM.

(a) In GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 177. Neighborhood access and equity grant program ""(a) In GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $393,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for competitive grants to eligible entities described in subsection (b)—

"(1) to improve walkability, safety, and afford-ability of transportation access through projects that are context-sensitive—

"(A) to remove, remediate, or reuse a facility described in subsection (c)(1);

"(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;

"(C) to retrofit or cap a facility described in subsection (c)(1);

"(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or

"(E) to provide additional access to essential destinations, public spaces, or transportation links and hubs;

"(2) to mitigate or remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

"(A) to reduce barriers to reduce impacts result- ing from a facility described in subsection (c)(2);

"(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

"(C) natural infrastructure, pervious, permeable, or porous pavements, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

"(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities or

"(E) safety improvements for vulnerable road users; and

"(3) for planning and capacity building activi-ties in disadvantaged or underserved communities to—

"(A) identify, monitor, or assess local and ambient air quality, emissions of transpor-tation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone transportation infrastructure;

"(B) assess transportation equity or pollution impacts and develop local anti-displace-ment policies and community benefit agree-ments;

"(C) conduct predevelopment activities for projects eligible under this subsection;

"(D) expand public participation in transpor-tation planning by individuals and organiza-tions in disadvantaged or underserved communities; or

"(E) administrator or obtain technical assistance related to activities described in this subsection;

(b) ELIGIBLE ENTITIES DESCRIBED.—An eligi-ble entity referred to in subsection (a) is—

"(1) a State;

"(2) a territorial unit of a State;

"(3) a political subdivision of a State;

"(4) an entity described in section 207(m)(1)(E); and

"(5) a special purpose district or public au-thority with a transportation function;

"(7) a metropolitan planning organization (as defined in section 134(b)(2)); or

"(8) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (7), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (7)."

"(c) ELIGIBILITY CRITERIA.—An entity re-ferring to in subsection (a) is—

"(1) a surface transportation facility for which high speed transportation, or other design factors create an obstacle to connectivity within a community; or

"(2) a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvan-taged or underserved community.

"(d) INVESTMENT IN EQUITY AND EQUITY- IMPACTING INITIATIVES.—Funds made available for a grant under this section shall be expended in compliance with—

"(1) the activity or project proposed under this section.

SEC. 60502. ASSISTANCE FOR FEDERAL BUILD-INGS.

In addition to amounts otherwise avail-able, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $393,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for grants for projects in communities described in paragraph (2) for the same purposes and administered in the same manner as described in subsection (a)."
facilitate an efficient and effective environmental review process for surface transportation projects and any administrative expenses of the Federal Highway Administration to conduct activities described in this section; and

(2) providing funds made available under this subsection to eligible entities—

(A) to build capacity of such eligible entities to conduct environmental review processes;

(B) to facilitate the environmental review process for projects by—

(i) defining the scope and study areas;

(ii) identifying impacts, mitigation measures, and reasonable alternatives;

(iii) planning, conducting environmental studies and other documents prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations;

(iv) conducting public engagement activities; and

(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required for a proposed project; and

(C) for administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

(3) [Reserved]

(4) [Reserved]

(5) SUPPLEMENT, NOT SUPPLANT.—Fees collected under this subsection shall—

(A) be deposited in a special account in the Treasury; and

(B) be available for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army, subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site; and

(C) shall not be used as a basis for reducing annual appropriated funding for those purposes.''.

SEC. 60507. RETENTION OF RECREATION FEES. (a) In General.—Section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)) is amended—

(1) by striking paragraph (4) and inserting the following—

(4) DEPOSIT INTO TREASURY ACCOUNT.—All fees collected under this subsection shall—

(A) be deposited in a special account in the Treasury; and

(B) be available, for use, without further appropriation, for the operation and maintenance of recreation sites and facilities under the jurisdiction of the Secretary of the Army, subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site; and

(2) by adding at the end the following—

(5) SUPPLEMENT, NOT SUPPLANT.—Fees collected under this subsection shall—

(A) be deposited in a special account established under section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)(4)) (as in effect on the day before the date of enactment of this Act) that are unobligated on that date shall—

(1) be transferred to the special account established under section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)(4)) (as amended by subsection (a)(1)); and

(2) be available to the Secretary of the Army for operation and maintenance of any recreation sites and facilities under the jurisdiction of the Secretary of the Army, without further appropriation.

SA 5379. Mr. CRAMER submitted an amendment in the nature of a substitute to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike sections 60001 through 60006 and insert the following:

SEC. 60501. NEIGHBORHOOD ACCESS AND EQUITY GRANT PROGRAM. (a) In General.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

**§ 179. Low-carbon transportation materials grants.**

(a) Federal Highway Administration Appropriations.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000 to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant production, extraction, and disposal, and are designed and manufactured to be comparable to or better than those described in subparagraphs (A) and (B).

(b) Reimbursement of Incremental Costs; Incentives.—

(1) IN GENERAL.—The Administrator shall—

(A) reimburse incremental costs under this paragraph to an eligible entity; and

(B) provide incentives under this paragraph to an eligible entity.

(2) AMOUNTS.—The amount of reimbursement under this paragraph shall be equal to 2 percent of the cost of using low-embodied carbon construction materials and products on a project funded under this title.

(3) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(4) LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall provide a reimbursement or incentive under paragraph (1) only if—

(i) the project is an eligible project as described in section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)(4)) (as in effect on the day before the date of enactment of this Act); and

(ii) the Federal lands transportation facility; and

(iii) the assistance is subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site; and

(B) shall not be used as a basis for reducing annual appropriated funding for those purposes.

(b) Special Accounts.—Amounts in the special account established under section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)(4)) (as amended by subsection (a)(1)); and

(2) be available to the Secretary of the Army for operation and maintenance of any recreation sites and facilities under the jurisdiction of the Secretary of the Army, without further appropriation.

**§ 177. Low-carbon transportation materials grants**

(a) Federal Highway Administration Appropriations.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,645,000,000, to remain available until September 30, 2026, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant production, extraction, and disposal, and are designed and manufactured to be comparable to or better than those described in subparagraphs (A) and (B).

(b) Reimbursement of Incremental Costs; Incentives.—

(1) IN GENERAL.—The Administrator shall—

(A) reimburse incremental costs under this paragraph to an eligible entity; and

(B) provide incentives under this paragraph to an eligible entity.

(2) AMOUNTS.—The amount of reimbursement under this paragraph shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(3) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

(4) LIMITATIONS.—

(A) IN GENERAL.—The Administrator shall provide a reimbursement or incentive under paragraph (1) only if—

(i) the project is an eligible project as described in section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460l-3(b)(4)) (as in effect on the day before the date of enactment of this Act); and

(ii) the Federal lands transportation facility; and

(iii) the assistance is subject to the condition that not less than 80 percent of fees collected at a specific recreation site are utilized at that site; and

(B) shall not be used as a basis for reducing annual appropriated funding for those purposes.
(B) to replace a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;
(C) to retrofit or cap a facility described in subsection (c)(1) with a facility that is at-grade or lower speed;
(D) to build or improve complete streets, multiuse trails, regional greenways, or active transportation networks and spines; or
(E) to improve access to essential destinations, public spaces, or transportation links and hubs;

(2) to mitigate or remediate negative impacts to the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community through—

(A) safety improvements for vulnerable road users; and
(B) technologies, infrastructure, and activities to reduce surface transportation-related greenhouse gas emissions and other air pollution;

(C) natural infrastructure, pervious, permeable, or porous pavement, or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2);

(D) infrastructure and natural features to reduce or mitigate urban heat island hot spots in the transportation right-of-way or on surface transportation facilities; or

(E) a surface transportation facility for high speeds, grade separation, or other means not described in paragraphs (1) through (6) for an activity or project proposed under this section.

(c) ADMINISTRATION.—

(1) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

(2) COMPLIANCE WITH EXISTING REQUIREMENTS.—Funds made available under this section shall be used to—

(A) to build capacity of such eligible entity in order to carry out, facilitate, or implement the environmental review process for proposed projects through—

(1) guidance, technical assistance, templates, training, or tools to facilitate efficient and effective contracting, design, and project delivery by units of local government;

(2) subgrants to units of local government to build capacity of such units of local government to assume responsibilities to conduct surface transportation projects; and

(3) operations and administration of the Federal Highway Administration.

(B) LIMITATIONS.—Amounts made available under this section shall not—

(1) be subject to any restriction or limitation on the total amount of funds available for implementation or for projects authorized for Federal-aid highways; and

(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.

(c) FACILITY DESCRIBED.—A facility referred to in paragraph (1) is a facility that—

(1) is economically disadvantaged, underserved, or located in an area of persistent poverty;

(2) has entered or will enter into a community benefits agreement with representatives of the community;

(3) has an anti-displacement policy, a community land trust, or a community advisory board in effect; or

(4) has demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

(2) IN GENERAL.—A project carried out under subsection (a) or (d) shall be treated as a project on a Federal-aid highway.

(3) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

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177. Neighborhood access and equity grant program."
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SEC. 60502. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for the purpose of facilitating the development and review of documents for the environmental review process for proposed projects through—

(i) providing guidance, technical assistance, templates, training, or tools to conduct the environmental review process for proposed projects;

(ii) identifying impacts, mitigation measures, and reasonable alternatives;

(iii) preparing planning and environmental studies and other documentation prior to and during the environmental review process, for potential use in the environmental review process in accordance with applicable statutes and regulations; and

(iv) conducting public engagement activities; and

United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).
(v) carrying out permitting or other activities, as the Administrator determines to be appropriate, to support the timely completion of an environmental review process required under section 60105.

"(c) For administrative expenses of the eligible entity to conduct any of the activities described in subparagraphs (A) and (B).

"(b) Cost Share.—

"(1) IN GENERAL.—The Federal share of the cost of an activity carried out under this section by an eligible entity shall be not more than 80 percent.

"(2) SOURCE OF FUNDS.—The non-Federal share of the cost of an activity carried out under this section by an eligible entity may be satisfied by funds made available to the eligible entity under any other Federal, State, or local grant program.

"(c) DEFINITIONS.—

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 208; or

"(G) a metropolitan planning organization (as defined in section 133(b)(2)).

"(d) REVIEW PROCESS.—The term 'environmental review process' has the meaning given the term in section 139(a)(5).

"(e) PROPOSED PROJECT.—The term 'proposed project' means a project identified by the Administrator of the Environmental Protection Agency for which an environmental review process is required.

"(f) CLERICAL AMENDMENT.—The analysis and reporting requirements of title V, United States Code, is further amended by adding at the end the following:

"178. Environmental review implementation grants.

SEC. 60506. LOW-CARBON TRANSPORTATION MATERIALS GRANTS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"179. Low-carbon transportation materials grants.

"(a) FEDERAL HIGHWAY ADMINISTRATION AUTHORITY.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2025, to the Administrator to reimburse or provide incentives to eligible recipients for the use, in projects, of construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal as compared to industry average by averages of similar materials or products, as determined by the Administrator of the Environmental Protection Agency, and for the operation and administration of the Federal Highway Administration to carry out this section.

"(b) REIMBURSEMENT OF INCIDENTAL COSTS: DEFINITION.—

"(1) IN GENERAL.—The Administrator shall, subject to the availability of funds, either reimburse or provide incentives to eligible recipients to encourage the use of low-embodied carbon construction materials and products on a project funded under this title.

"(2) REIMBURSEMENT AND INCENTIVE AMOUNTS.—

"(A) INCREMENTAL AMOUNT.—The amount of reimbursement under paragraph (1) shall be equal to the incrementally higher cost of using such materials relative to the cost of using traditional materials, as determined by the eligible recipient and verified by the Administrator.

"(B) INCENTIVE AMOUNT.—The amount of an incentive under paragraph (1) for a project on a—

"(i) Federal-aid highway;

"(ii) tribal transportation facility;

"(iii) Federal lands transportation facility; or

"(iv) Federal lands access transportation facility.

"(B) OTHER RESTRICTIONS.—Amounts made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for reimbursement or execution of programs authorized for Federal-aid highways.

"(C) SINGLE OCCUPANT PASSENGER VEHICLE MATERIALS IDENTIFICATION.—The Administrator shall review the low-embodied carbon construction materials and products identified by the Administrator of the Environmental Protection Agency and shall identify low-embodied carbon construction materials and products—

"(A) appropriate for use in projects eligible under this title;

"(B) eligible for reimbursement or incentives under this section.

"(c) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Highway Administration.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State;

"(B) a unit of local government;

"(C) a political subdivision of a State;

"(D) a territory of the United States;

"(E) an entity described in section 207(m)(1)(E);

"(F) a recipient of funds under section 208;

"(G) a metropolitan planning organization (as defined in section 133(b)(2)); or

"(H) a special purpose district or public authority with a transportation function.

"(3) GREENHOUSE GAS.—The term 'greenhouse gas' means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

"(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"179. Low-carbon transportation materials grants.

SEC. 60507. IDENTIFICATION OF UNDERUTILIZED FEDERAL HIGHWAY BUILDINGS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, to identify Federal buildings that have underutilized office space, for the purpose of initiating a sale of those buildings not later than 1 year after the date of enactment of this Act.

"(b) CONSIDERATION.—In identifying Federal buildings that have underutilized office space under subsection (a), the Administrator of General Services may consider, when determining whether office space is underutilized, whether the Federal buildings that are underutilized are also derelict, and are still underutilized as of the date of enactment of this Act, due to increased teleworking policies implemented as a result of the SARS-CoV-2 (COVID-19) pandemic.

SA 5380. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike section 60501.

SA 5381. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of section 10301(a), add the following:

"(4) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds made available under this Act may be used by the Internal Revenue Service to target citizens of the United States for exercising any right guaranteed under the First Amendment to the Constitution of the United States.

SA 5382. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

In section 6016, strike subsection (g).

SA 5383. Mrs. CAPITO (for herself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of title VI, add the following

Subtitle F—Regulatory Authority

SEC. 60601. CODIFICATION OF NEPA REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act" and published on July 16, 2020 (85 Fed. Reg. 45391), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 60602. PROVIDING REGULATORY CERTAINTY UNDER THE FEDERAL WATER POLLUTION CONTROL ACT.

(a) WATERS OF THE UNITED STATES.—The definitions of the term "waters of the United States" and the other terms defined in section 323 of title 33, Code of Federal Regulations (as in effect on January 1, 2021), are enacted into law.

(b) CONSIDERATION OF SECTION 401 CERTIFICATION RULE.—The final rule of the Environmental Protection Agency entitled "Clean
Water Act Section 401 Certification Rule’’ (85 Fed. Reg. 42210 (July 13, 2020)) is enacted into law.

(c) CODIFICATION OF NATIONWIDE PERMITS.—The Nationwide Permits issued, reused, or modified, as applicable, in the following final rules of the Corps of Engineers are enacted into law:

(1) The final rule of the Corps of Engineers entitled “Reissuance and Modification of Nationwide Permits” (86 Fed. Reg. 2744 (January 13, 2021)).

(2) The final rule of the Corps of Engineers entitled “Reissuance and Modification of Nationwide Permits” (86 Fed. Reg. 73522 (December 17, 2021)).

SEC. 60603. PROHIBITION ON USE OF SOCIAL COSTS IN EXISTING GASOLINE POLICY.

(a) In general.—In promulgating regulations, issuing guidance, or taking any agency action (as defined in section 551 of title 5, United States Code) relating to the social cost of greenhouse gases, no Federal agency shall adopt or otherwise use any estimates for the social cost of greenhouse gases that may raise gasoline prices, as determined through a review by the Energy Information Administration.


SEC. 60604. EXPEDITING PERMITTING AND REVIEW PROCESSES.

(a) Definitions.—In this section:

(1) The term “authorization” means any license, permit, approval, or agency action (as defined in section 551 of title 5, United States Code) for an energy project, as measured from, as applicable, that may be responsible for navigating the energy project through the environmental review and authorization process.

(2) Energy project.—The term “energy project” means any project involving the exploration, development, production, transportation, combustion, transmission, or distribution of an energy resource or electricity for which—

(A) an authorization is required under a Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B)(i) the head of the lead agency has determined that an environmental impact statement is required; or

(ii) the head of the lead agency has determined that an environmental assessment is required, and the project sponsor requests that the project be treated as an energy project.

(3) Environmental impact statement.—The term “environmental impact statement” means the detailed statement of environmental impacts required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) Environmental review and authorization process.—The term “environmental review and authorization process” means—

(A) the process for preparing for an energy project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the completion of any authorization decision required for an energy project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) Lead agency.—The term “lead agency” means—

(A) the Department of Energy;

(B) the Department of the Interior;

(C) the Department of Commerce;

(D) the Federal Energy Regulatory Commission;

(E) the Nuclear Regulatory Commission; or

(F) any other Federal agency, as applicable, that may be responsible for navigating the energy project through the environmental review and authorization process.

(6) Project sponsor.—The term “project sponsor” means an agency or other entity, including any private or public-private entity, that seeks approval from a lead agency for an energy project.

(b) Timely authorizations for energy projects.—

(1) In general.—The term “energy project” means the detailed statement of environmental impacts necessary for the construction of an energy project shall be completed by not later than 90 days after the date of the issuance of a record of decision for the energy project by the lead agency.

(2) Timely authorizations for energy projects.—

(A) Deadline.—Except as provided in subparagraph (D), all authorization decisions necessary for the construction of an energy project shall be completed by not later than 60 days after the date of the issuance of a record of decision for the energy project by the lead agency.

(B) Prohibition.—An energy-related cause of action shall be barred if an energy-related cause of action has not been filed within the applicable time period described in subparagraph (A) if—

(i) the agency makes a determination, in consultation with the lead agency, that the categorical exclusion applies to the energy project; or

(ii) the energy project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and any authorization decision is required under Federal law and issued within 12 months of the date of a Federal or State agency decision on a categorical exclusion.

(4) Federal land.—The treatment of Federal land under the jurisdiction of the Corps of Engineers shall be subject to the law of the State in which the land is located.

(b) Definitions.—In this subsection:

(1) Available Federal land.—The term “available Federal land” means any Federal land that, as of May 31, 2013—

(A) agency action.—The term “agency action” has the meaning given in section 551 of title 5, United States Code.

(B) Economy-related cause of action.—The term “energy-related cause of action” means a cause of action that—

(i) is filed on or after the date of enactment of this Act; and

(ii) the lead agency may use categorical exclusions designated under that Act in the implementing regulations of any other agency, subject to the conditions that—

(I) the agency makes a determination, in consultation with the lead agency, that the categorical exclusion applies to the energy project; or

(ii) the energy project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) Categorical exclusions.—An energy-related cause of action shall be barred if an energy-related cause of action has not been filed within the applicable time period described in subparagraph (A) if—

(i) the agency makes a determination, in consultation with the lead agency, that the categorical exclusion applies to the energy project; or

(ii) the energy project satisfies the conditions for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(6) Federal land.—The treatment of Federal land under the jurisdiction of the Corps of Engineers shall be subject to the law of the State in which the land is located.
SEC. 60607. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) DEFINITION OF MOUNTAIN VALLEY PIPELINE.—In this section, the term "Mountain Valley Pipeline" means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP18-10 and CP18-477.

(b) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act, the Secretaries shall issue all permits or authorizations necessary—

(A) to complete the construction of the Mountain Valley Pipeline across the waters of the United States;

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(2) the Federal Energy Regulatory Commission shall approve any amendments to the certificate of public convenience and necessity issued by the Federal Energy Regulatory Commission on October 13, 2017, and grant any extensions that are necessary—

(A) to complete the construction of the Mountain Valley Pipeline; and

(B) to allow for the operation and maintenance of the Mountain Valley Pipeline;

(3) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest in a manner that is substantively identical to the record of decision with respect to the Mountain Valley Pipeline issued on January 11, 2021; and

(4) the Secretary of the Interior shall—

(A) reissue the biological opinion and incidental take statement for the Mountain Valley Pipeline in a manner that is substantively identical to the biological opinion and incidental take statement previously issued on September 4, 2020; and

(B) grant all necessary rights-of-way and temporary use permits in a manner that is substantively identical to the permits approved in the record of decision with respect to the Mountain Valley Pipeline issued on January 14, 2021.

(c) JUDICIAL REVIEW.—No action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, or the Secretary of the Interior that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval relevant to the Mountain Valley Pipeline, including the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or any other approval described in subsection (b), shall be subject to judicial review.

(d) EFFECT.—This section preempts any statute (including any other section of this Act), regulation, judicial decision, or agency guidance that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval described in subsection (b).

SEC. 60608. FASTER PROJECT CONSTRUCTION.


(1) in paragraph (2)(A), by striking "90-day" and inserting "60-day"; and

(2) in subparagraph (B) (A) in the matter preceding clause (i)—

(i) by striking "90 days" and inserting "60 days"; and

(ii) by striking "90th day" and inserting "60th day";

(B) in clause (i), in the matter preceding subclause (I), by striking "150th day" and inserting "100th day";

(C) in clause (ii), by striking "150 or more" and inserting "100 or more".

SEC. 60609. NEW SOURCE REVIEW PERMITTING.

(a) CLARIFICATION OF DEFINITION OF MODIFICATION FOR NEW SOURCE REVIEW PERMITTING.—In this section—

(1) in paragraph (1), by striking "modification" and inserting "modification for purposes of section 111"; and

(2) in paragraph (2), by inserting before the period at the end of clause (1), "(i) to reduce the amount of any air pollutant emitted by a source per unit of production or release, including the issuance of any authorization, permit, verification, or other authorization, or (ii) to reduce the amount of any air pollutant emitted from a major emitting facility, including the issuance of any authorization, permit, verification, or other authorization, or (iii) to reduce the amount of any air pollutant emitted from a minor emitting facility, inclusive of a modification as defined in paragraph (1) (A) and the Administrator determines that the increase in the maximum achievable hourly emission rate as a result of the modification would cause an adverse effect on human health or the environment."; and

(b) CLARIFICATION OF DEFINITION OF MODIFICATION FOR NEW SOURCE REVIEW PERMITTING.—(1) the Federal Energy Regulatory Commission, the Secretary of Agriculture, and the Secretary of the Interior that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval relevant to the Mountain Valley Pipeline, including the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval described in subsection (b), shall be subject to judicial review.

(c) EFFECT.—This section preempts any statute (including any other section of this Act), regulation, judicial decision, or agency guidance that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval described in subsection (b).

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to treat any change as a modification for purposes of any provision of the Clean Air Act (42 U.S.C. 7401 et seq.) if such change would not have been treated as of the day before the date of enactment of this Act.

SEC. 60610. PROHIBITION ON RETROACTIVE PERM

VETEOUS.

Section 304 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORITY OF EPA ADMINISTRATOR.—(1) PROHIBITION ON RETROACTIVE PERMISSIBILITY.—Until such time as the Administrator has issued a permit under this section, the Administrator may prohibit the specification (including the withdrawal) of any defined area as a disposal site, and the Administrator may deny or restrict the use..."
of any defined area for specification (including
the withdrawal of specification) as a disposal
site, whenever the Administrator de-
termines, after notice and opportunity for
public comment, that the discharge of such
materials into such area will have an unac-
tceptable adverse effect on municipal water
supplies, shellfish beds and fishery areas (in-
cluding breeding areas), wildlife, or recrea-
tional areas.
(2) CONSULTATION REQUIRED.—Before mak-
ing a determination under paragraph (1), the
Administrator shall consult with the Sec-
retary.
(3) WRITTEN FINDINGS REQUIRED.—The Ad-
ministrator shall set forth in writing and
make available the findings and reasons of the
Administrator for making any determina-
tion under this subsection.

SA 5384. Mr. LANKFORD submitted an amend-
ment intended to be proposed to amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:
At the appropriate place in title IX, insert the following:

SEC. 502. FUNDING FOR TITLE 42 IMPLEMENT-
ATION.
(a) APPROPRIATION.—
(1) IN GENERAL.—In addition to amounts
otherwise available, there is appropriated to the
Centers for Disease Control and Prevention, out of amounts in the Treasury
not otherwise appropriated, $1,000,000 for fiscal year 2023, for the purpose
described in paragraph (2).
(2) USE OF FUNDS.—The Director of the Cen-
ters for Disease Control and Prevention shall use the amounts appropriated under para-
graph (1) to implement the Secretary's
proposed amendment to the Treasury's
appropriation and execution of the orders by the Director pursuant to section
362 of the Public Health Service Act (42 U.S.C. 266) regarding the suspension of entry
into the United States of persons from coun-
tries where a quarantinable communicable
disease exists, until the date that is 120
days after the termination of the public health emergency declared under section 319 of the
Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19, including renew-
als of such emergency;
(b) PREVENTION AND PUBLIC HEALTH FUND-
FUND.—Section 4002(b) of the Patient Pro-
tection and Affordable Care Act (42 U.S.C. 300u-
11(b)) is amended—
(1) by striking paragraphs (6) through
(9) as paragraphs (8) through (10), respec-
tively; and
(2) by redesignating paragraphs (7) through
(9) as paragraphs (8) through (10), respect-
ively; and
(3) by inserting after paragraph (6) the fol-
lowing:
"(7) for fiscal year 2023, $999,000,000.":

SA 5385. Mr. KENNEDY submitted an amend-
ment intended to be proposed to amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered
to lie on the table; as follows:
At the appropriate place, insert the fol-
lowing:

SEC. 600. PROVIDING DISCOUNTED INSULIN TO
LOW- AND MIDDLE-INCOME AMER-
ICANS.
(a) IN GENERAL.—There is appropriated to the Secretary of Health and Human
Services (referred to in this section as the "Secretary") of the Treasury, not otherwise appropriated, $3,100,000,000 for fiscal year 2023, to remain available through
September 30, 2026, for making payments to Federally-qualified health centers for pur-
poses of covering direct costs incurred by
such centers for making discounted insulin and injectable epinephrine available to qualifying
center patients, as described in subsection (b).
(b) INSULIN AND EPINEPHRINE AFFORD-
ABILITY.—
(1) IN GENERAL.—If a Federally-qualified
health center participates in the drug dis-
count program under section 30B of the
Public Health Service Act (42 U.S.C. 256b)
and makes insulin or injectable epinephrine
available to its patients, such center shall
provide insulin and injectable epinephrine at
or below the acquisition cost determined by
the center or subgrantor of the center under the
drug discount program under such section
30B (plus a minimal administration fee) to
qualifying center patients through fiscal year
2026.
(2) LIMITATION.—As applicable, the cost
of insulin and injectable epinephrine made
available to patients pursuant to this sub-
section shall not exceed the cost of
such in-
sulin and injectable epinephrine pursuant
to the subsection (b).
(3) USE OF PAYMENTS.—Payments made to
Federally-qualified health centers under this
section shall be used for the sole purpose of
covering direct costs incurred by such cen-
ters in making insulin and injectable epi-
nephrine available to qualifying center
patients under subsection (b).
(c) PAYMENTS.—The Secretary shall make
prospective quarterly payments to Feder-
ally-qualified health centers in an amount
that equals the sum of the following:
(1) The product of—
(A) the number of units of insulin fur-
nished to qualifying center patients in
the previous quarter; and
(B) the direct costs of procuring and mak-
ing available each such unit of insulin at the
discounted rate provided for under this sec-
tion.
(2) The product of—
(A) the number of units of injectable epi-
nephrine furnished to qualifying center pa-
tients in the previous quarter; and
(B) the direct costs of procuring and mak-
ing available each such unit of injectable epi-
nephrine at the discounted rate provided for
under this section.
(d) USE OF PAYMENTS.—Payments made to
Federally-qualified health centers under this
section shall be used for the sole purpose of
covering direct costs incurred by such cen-
ters in making insulin and injectable epi-
nephrine available to qualifying center
patients under subsection (b).
(e) DEFINITIONS.—In this section:
(1) FEDERALLY-QUALIFIED HEALTH CENTER.—
The term "Federally-qualified health
center" has the meaning given such term in
(2) QUALIFYING CENTER.—The term "qualifying
center patient" means a patient of a
Federally-qualified health center whose
household income is equal to or less than 300
percent of the Federal poverty line and who:
(A) has a cost-sharing requirement under a
health insurance plan for insulin or
injectable epinephrine under which the pa-
tient, out-of-pocket, pays more than 20
percent of the total amount charged by the
center for insulin or epinephrine;
(B) has a high unmet deductible under a
health insurance plan; or
(C) has no health insurance.
(f) PREVENTION AND PUBLIC HEALTH FUND
FUND.—Section 4002(b) of the Patient Pro-
tection and Affordable Care Act (42 U.S.C.
300u-11) is amended—
(1) in paragraph (6), by striking "each of
fiscal years 2022 and 2023" and inserting "fis-
cal year 2022";
(2) by striking paragraphs (7) and (8); and
(3) by redesignating paragraph (9) as para-
graph (8).
SEC. 7001. FUNDING FOR THE DETENTION OF
SINGAPOREANS.
In addition to amounts otherwise avail-
able, there is appropriated to U.S. Immigra-
tion and Customs Enforcement for fiscal year
2022 out of any money in the Treasury
not otherwise appropriated, $400,000,000,
which shall remain available until expended,
for necessary expenses of custody operations
for the detention of criminal aliens, as de-
scribed in section 236(c) of the Immigration
and Nationality Act (8 U.S.C. 1226(c)).

SA 5387. Mr. KENNEDY submitted an amend-
ment intended to be proposed to amendment SA 5194 proposed by Mr.
SCHUMER to the bill H.R. 5376, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered
to lie on the table; as follows:

At the appropriate place in subtitle B of
title V, insert the following:

SEC. 502. MANDATORY OUTER CONTIN-
ENTAL SHELF OIL AND GAS LEASE
SALES.
(a) GULF OF MEXICO OIL AND GAS LEASE
SALES.—
(1) REQUIREMENT.—Subject to paragraph
(2), the Secretary of the Interior (acting
through the Director of the Bureau of Ocean
Energy Management) referred to in this sec-
tion as the "Secretary") shall conduct not
fewer than 10 area-wide oil and gas lease
sales under the Outer Continental Shelf
Lands Act (43 U.S.C. 1331 et seq.) during the
period beginning on July 1, 2022, and ending
on June 30, 2027.
(2) SCHEDULE.—Not fewer than 2 area-wide
oil and gas lease sales required under para-
graph (1) shall be held each year during the
period described in that paragraph in the fol-
lowing planning areas of the Gulf of Mexico
Region of the outer Continental Shelf, as de-
defined in the 2017-2022 Outer Continental
Shelf Oil and Gas Leasing Proposed Final
Program (November 2016):
(A) The Central Gulf of Mexico Planning
Area;
(B) The Western Gulf of Mexico Planning
Area;
(C) The Cook Inlet Oil and Gas Lease
SALES.—The Secretary shall conduct not
fewer than 1 oil and gas lease sale under the
Outer Continental Shelf Lands Act (43 U.S.C.
1331 et seq.) in the Cook Inlet Planning Area
of the Alaska Region of the outer Conti-
ental Shelf, as described in the 2017-2022
Outer Continental Shelf Oil and Gas Leasing
Proposed Final Program (November 2016),
during the period beginning on July 1, 2022,
and ending on June 30, 2027.
At the end of part 1 of subtitle B of title I, add the following:

**SEC. 11005. CONSULTATION REQUIREMENT.**

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Government Accountability Office shall submit a report to Congress with recommendations to ensure that the implementation of such provisions does not:

(1) negatively impact the United States pharmaceutical industry market competitiveness with China regarding biopharmaceutical innovation and domestic manufacturing capacity; or

(2) increase the United States' current importation levels of essential generic drugs and drug products listed in the FDA shortages list that are produced or manufactured by foreign entities in China.

**SA 5392.** Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table as follows:

At the end of title I, add the following:

**Subtitle E—Ensuring Patient Access to Drugs and Biological Products That Treat Serious Conditions**

**SEC. 14001. ENSURING PATIENT ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT SERIOUS CONDITIONS.**

Section 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

“(D) SIX PROTECTED CLASSES.—A covered part D drug in a category or class that is identified under section 1860D–4(b)(3)(G)(iv).

“(E) BREAKTHROUGH THERAPIES.—A drug or biological product designated under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)) as a breakthrough therapy and approved under section 505 of such Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262).”.

**SEC. 14002. REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT AND OPERATIONS.**

Section 18391(a)(1)(A)(1) of this Act is amended—

(1) in subclause (II), by striking “$45,637,400,000” and inserting “$45,329,400,000”; and

(2) in subclause (III), by striking “$32,326,400,000” and inserting “$32,326,400,000”.

**SA 5390.** Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

At the end of section 11004, insert the following:

**SEC. 11005. CONSULTATION REQUIREMENT.**

As a condition of implementing the provisions of, including the amendments made by, section 11001 and 11002, the Commissioner of U.S. Customs and Border Protection shall allocate additional funds to replace additional hours of operation at such ports of entry as of February 2020.

**SEC. . SENSE OF THE SENATE.**

It is the sense of the Senate that it is in the interest of the United States to ensure that family farms and small businesses can utilize step-up in basis for inherited assets.

**SA 5394.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11002.

**SA 5395.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 14000. PROHIBITION ON IMPLEMENTATION OF SEC RULE.**

Notwithstanding any other provision of law, regulation, the Securities and Exchange Commission may not implement the proposed rule of the Commission entitled “The Enhancement and Standardization of Climate-Related Disclosures for Investors” (77 Fed. Reg. 21334 (April 11, 2022)).

**SA 5396.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title II of the bill, strike subtitle G (relating to National Service and Workforce Development in Support of Climate Resilience and Mitigation).

**SA 5398.** Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 70008. RESTORING HOURS OF OPERATION AND PORTS OF ENTRY ALONG THE NORTHERN BORDER.**

The Commissioner of U.S. Customs and Border Protection shall modify the hours of operation of all ports along the northern border to match the hours of operation at such ports of entry as of February 2020.

**SA 5399.** Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 70009. ENHANCING BORDER SECURITY ALONG THE NORTHERN BORDER.**

The Commissioner of U.S. Customs and Border Protection shall allocate additional resources to enhance border security along
the international border between Canada and the United States.

SA 5400. Mr. HUEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50262.

SA 5401. Mr. HUEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50263.

SA 5402. Mr. HUEVEN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 50264.

SEC. 50265. ENSURING ENERGY SECURITY.

(a) ANNUAL LEASE SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary shall conduct a minimum of 4 oil and natural gas lease sales annually in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Any other State in which there is land available for oil and natural gas leasing under that Act.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary shall include a minimum of 25 percent of the outstanding nominated acreage in the applicable State part of title 43, Code of Federal Regulations (or successor regulations).

(b) REPLACEMENT SALES.—If, for any reason, a lease sale under paragraph (2) of a calendar year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary shall conduct a replacement sale during the same calendar year.

(c) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term ‘Federal land’ means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(B) OFFSHORE LEASE SALE.—The term ‘offshore lease sale’ means an oil and gas lease sale—

(i) that is held by the Secretary in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(ii) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(C) ONSHORE LEASE SALE.—The term ‘onsshore lease sale’ means a quarterly oil and gas lease sale—

(i) that is held by the Secretary in accordance with section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(ii) that, if any acceptable bids have been received for any parcel offered in the lease sale, results in the issuance of a lease.

(2) LIMITATION.—During the 18-year period beginning on the date of enactment of this Act—

(A) the Secretary may not issue a lease for offshore wind energy development on Federal land unless—

(i) an offshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for offshore wind energy development; and

(ii) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for offshore wind energy development is not less than the lesser of—

(1) 2,000,000 acres; and

(2) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

(B) the Secretary may not issue a lease for offshore wind development under section 1004 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) unless—

(i) an offshore lease sale has been held during the 1-year period ending on the date of the issuance of the lease for offshore wind development; and

(ii) the sum total of acres offered for lease in offshore lease sales during the 1-year period ending on the date of the issuance of the lease for offshore wind development is not less than 60,000,000 acres.

(3) SAVINGS.—Except as expressly provided in subparagraphs (A) and (B) of paragraph (2), nothing in this paragraph supersedes, amends, or modifies existing law.

SA 5404. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of section 10301, add the following:

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a)(1) may be used to audit taxpayers with taxable incomes below $400,000.

SA 5405. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I.

SA 5406. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strik}
the Secretary of the Interior (acting through the Director of the Bureau of Land Management) shall conduct an oil and gas lease sale under the Mineral Leasing Act (30 U.S.C. 181 et seq.) for State or local maintenance, or capital improvements, conducted by the Bureau of Land Management conducted lease sales in June 2022.

(b) PARCELS.—The oil and gas lease sales required under subsection (a) shall include, at a minimum, all parcels—

(1) that were evaluated under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) process for the June 2022 sales; but

(2) that were deferred by the applicable Bureau of Land Management State Director.

(c) REAL PROPERTY SALES.—The oil and gas lease sales required under subsection (a) shall be conducted in addition to the quarterly oil and gas lease sales required under section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

SA 5410. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle A of title I, add the following:

SEC. 1010. ALLOWANCE OF CERTAIN DEDUCTIONS IN DETERMINING APPLICABLE FINANCIAL STATEMENT INCOME.

(a) IN GENERAL.—Section 56(c)(1), as added by section 1001, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

"(15) ADJUSTMENT FOR THE PRODUCTION OF OIL, COAL, AND NATURAL GAS AND FOR MINING.—

"(A) IN GENERAL.—Adjusted financial statement income shall be—

"(i) appropriately adjusted to disregard any amount of qualified expense that is taken into account on the taxpayer’s applicable financial statement in computing taxable income for the taxable year;

"(ii) reduced by the amount of qualified expenses which are deductible under this chapter to the extent allowed as a deduction in computing taxable income for the taxable year;

"(iii) qualified expenses; and

"(iv) amounts allowable as a depletion deduction under section 611.

SEC. 1010. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Paragraph (6) of section 168(b) is amended by striking "and", before January 1, 2026".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5412. Mr. BARRASSO (for himself, Ms. COLLINS, and Mr. WICKER) sub-
mitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Ensuring Access to Drugs and Biological Products That Treat Rare Diseases and Conditions

SEC. 14001. ENSURING ACCESS TO DRUGS AND BIOLOGICAL PRODUCTS THAT TREAT RARE DISEASES AND CONDITIONS.

SEC. 11005. ENSURING THAT QUALITY-ADJUSTED LIFE YEAR (QALY) MEASURES ARE NOT USED IN CONSIDERATION OF THE MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1159(c)(2) of the Social Security Act, as added by section 11001, is amended by inserting at the end of the flush matter following subparagraph (D) the following new sentence: "Additionally, the Secretary shall not use evidence or findings relating to a drug’s ability or inability to extend a patient’s life in considering information described in subparagraph (C)."

SA 5414. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 11005. ENSURING THAT QUALITY-ADJUSTED LIFE YEAR (QALY) MEASURES ARE NOT USED IN CONSIDERATION OF THE MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1159(c)(2) of the Social Security Act, as added by section 11001, is amended by inserting at the end of the flush matter following subparagraph (D) the following new sentence: "Additionally, the Secretary shall not use evidence or findings relating to a drug’s ability or inability to extend a patient’s life in considering information described in subparagraph (C)."

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(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(b) for which the total amount of Federal and State expenditures (as defined under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014) made directly to the entity and to any affiliates, successors, or a clinic of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or a clinic of the entity as part of a nationwide health care provider network, exceed $1,000,000.

(2) DIRECT SPENDING.—The term ‘direct spending’ has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 4. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (8), by striking ‘‘each of fiscal years 2016, 2017, 2018, and 2019’’ and inserting ‘‘fiscal year 2022’’; and

(2) by striking paragraphs (7) through (9).

SEC. 5. COMMUNITY HEALTH CENTER PROGRAM.

Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 2540–2(b)(1)(F)) is amended by inserting ‘‘, and an additional $442,000,000 for fiscal year 2022’’ after ‘‘2023’’.

SA 5415. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. PERMANENT EXTENSION OF SAFE HARBOR FOR ABSENCE OF DEDUCTIBLE.

(a) IN GENERAL.—Section 223(c)(2)(E) of the Internal Revenue Code of 1986 is amended by striking ‘‘In the case of plan years beginning on or before January 1, 2020, in the case of months beginning after March 31, 2022, and before January 1, 2023, a plan’’ and inserting ‘‘A plan’’.

(b) CERTAIN COVERAGE DISREGARDED.—Section 223(c)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking ‘‘(in the case of plan years beginning on or before December 31, 2021, or in the case of months beginning after March 31, 2022, and before January 1, 2023)’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.

SEC. 5. TELEHEALTH SERVICES AS INDEPENDENT, NONCOORDINATED BENEFITS.

(a) PHSA.—Section 2791(c)(3) of the Public Health Service Act (42 U.S.C. 300gg–9(c)(3)) is amended by adding at the end the following:

‘‘(C) Coverage only for telehealth services.’’.

(b) ERIE.—Section 738(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(b)(3)) is amended by adding at the end the following:

‘‘(C) Coverage only for telehealth services.’’.

SEC. 6. FEDERAL STUDENT LOAN INTEGRITY.

(a) PROHIBITION.—The Secretary of Education may not use the authority under section 4001 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098(b)(a)(1)) to issue a waiver or modification, or to extend a waiver or modification issued under section 4001 of this Act, of any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) in connection with the national emergency declared by the President on March 13, 2020, pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.) (Proclamation 9994).

(b) LIMITATION ON WAIVERS AND MODIFICATIONS.—Section 2(a)(1) of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1098(b)(a)(1)) is amended—

(1) by striking ‘‘Notwithstanding’’ and inserting the following:

‘‘(A) AUTHORITY OF SECRETARY.—Except as provided in subparagraph (B), notwithstanding’’; and

(2) by adding at the end the following:

‘‘(B) LIMITATION.—A waiver or modification under paragraph (1) may not—

(i) provide for a period that exceeds 60 days during which—

(I) payments of principal or interest due on loans made, insured, or guaranteed under part B, D, or E of title IV of the Act are suspended; or

(II) interest does not accrue on such loans; or

(ii) result in the discharge or cancellation of a loan made, insured, or guaranteed under part B, D, or E of title IV of the Act.’’.

(c) NO LOAN FORGIVENESS AUTHORITY.—

(1) REMOVAL OF LOAN FORGIVENESS AUTHORITY.—Section 432(a)(6) of the Higher Education Act of 1965 (20 U.S.C. 1098a(a)(6)) is amended by striking ‘‘, pay, compromise, waive, or release.’’.

(2) NO AUTHORITY FOR ANY LOAN FORGIVENESS PROGRAM.—Section 432(a)(6) of the Higher Education Act of 1965 (20 U.S.C. 1098a(a)(6)) is amended by striking ‘‘Notwithstanding’’ and in-

serting the following:

‘‘(A) if not previously published for public comment, submit a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations; and

(B) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations; and

(C) finalize the fair market value of the leasehold before January 1, 2023, a plan’’.

(d) QUILIFIED APPLICATION.—The term ‘‘qualified application’’ means an application—

(A) if not previously published for public comment, submit a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations; and

(B) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations; and

(C) finalize the fair market value of the leasehold before January 1, 2023, a plan’’.

(e) CONFORMING AMENDMENT.—Subparagraph (E) of section 386(b)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ‘‘in the case of a taxable year’’ and all that follows and inserting ‘‘In the case of—

(I) the taxable year beginning in 2021 or 2022, subparagraph (A) shall be applied without regard to ‘but does not exceed 400 percent’, and

(II) a taxable year beginning in 2023, 2024, or 2025, subparagraph (A) shall be applied, substituting ‘700 percent’ for ‘400 percent’.’’.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 1390. TREATMENT OF DIETARY SUPPLEMENTS AS MEDICAL EXPENSES.

(a) IN GENERAL.—Subsection (d) of section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

‘‘(12) DIETARY SUPPLEMENTS.—In the case of taxable years beginning before January 1, 2021, amounts paid for dietary supplements shall be treated as paid for medical care. For purposes of this paragraph, the term ‘dietary supplement’ has the meaning given such term by section 201(f) of the Federal Food, Drug, and Cosmetic Act.’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5418. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V, add the following:

SEC. 5026. MANDATORY LEASING FOR CERTAIN QUALIFIED APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ‘‘coal lease’’ means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on behalf of the United States, for the purpose of producing coal from the federal coal parcel identified in the application.

(2) QUALIFIED APPLICATION.—The term ‘‘qualified application’’ means any application that is being considered under the coal leasing program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 304 of title 43, Code of Federal Regulations (as in effect on October 1, 2021), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations; and

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(2) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(3) with respect to previously awarded coal leases that any application of to the Department of the Interior or any bureau, agency, or division of the Department of the
SA 5419. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill S. 3576, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 6039.

SA 5420. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill S. 3576, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I, insert the following:

SEC. 13064. EMPLOYMENT VERIFICATION RE-
QUIREMENT.

(a) WAGE REQUIREMENT.—In the case of any requirement described in any applicable wage requirement provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures—that—

(1) in the case of any laborers or mechanics described in such applicable wage requirement provision, such laborers and mechanics have had their employment eligibility confirmed through the E-Verify program, as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note); and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable wage requirement provision agrees to confirm the employment eligibility of any laborers or mechanics employed by such contractor or subcontractor, as described in paragraph (1).’

(b) APPRENTICESHIP REQUIREMENT.—In the case of any requirement described in any applicable apprenticeship provision, a taxpayer shall not be deemed to have satisfied such requirement unless such taxpayer ensures that—

(1) with respect to any qualified apprentice described in such applicable apprenticeship provision, such apprentice has had their employment eligibility confirmed in the manner described in paragraph (1) of subsection (a), and

(2) such taxpayer has required, as a condition of each contract or subcontract, that any contractor or subcontractor described in such applicable apprenticeship provision agrees to confirm the employment eligibility of any qualified apprentice employed by such contractor or subcontractor, as described in paragraph (1).

(c) APPLICATION.—Subsection (a) shall apply to—

(1) all covered, existing, and new hire workers employed by any contractor or subcontractor which is described in any applicable wage requirement provision, and

(2) all qualified apprentices employed by any contractor or subcontractor which is described in any applicable apprenticeship provision.

(d) PENALTY.—In the case of any taxpayer which fails to satisfy the requirement under subsection (a) with respect to any laborer or mechanic or the requirement under subsection (b) with respect to any qualified apprentice, such taxpayer shall make payment to the Secretary of a penalty in an amount equal to the product of—

(1) the maximum zero rate amount; and

(2) the total number of laborers, mechanics, and qualified apprentices for whom the taxpayer failed to satisfy the requirement under subsection (a) or (b), as applicable.

(e) ANTI-DISCRIMINATION.—Any employer who complies with the requirements described in this section shall not be found to have violated—

(1) section 274H of the Immigration and Na-

tionality Act (8 U.S.C. 1324b); or

(2) title VII of the Civil Rights Act of 1964

(42 U.S.C. 2000e et seq.).

(f) ADJUSTMENT OF CERTAIN CREDITS.—

(1) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—

(A) IN GENERAL.—Section 45 of the Internal Revenue Code of 1986, as amended by section 13101, is amended—

(i) in subsection (a)(1), by striking ‘‘3 cents’’ and inserting ‘‘0.3 cents’’; and

(ii) in subsection (b)(2)—

(I) by striking ‘‘3 cents’’ and inserting ‘‘0.29 cents’’, and

(II) by striking ‘‘0.05 cent’’ each place it appears and inserting ‘‘0.01 cent’’.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to facili-
ties placed in service after December 31, 2021.

(2) ENERGY CREDIT.—

(A) IN GENERAL.—Section 48 of the Internal Revenue Code of 1986, as amended by section 13102, is amended—

(i) in paragraph (2)(A)—

(I) in clause (i), by striking ‘‘6 percent’’ and inserting ‘‘5.9 percent’’, and

(II) in clause (ii), by striking ‘‘2 percent’’ and inserting ‘‘1.9 percent’’, and

(ii) in paragraph (5)(A)(i), by striking ‘‘6 percent’’ and inserting ‘‘5.9 percent’’.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to prop-
erty placed in service after December 31, 2021.

(3) DEFINITIONS.—In this section—

(A) APPLICABLE APPRENTICESHIP PROP-

OSSION.—The term ‘‘applicable apprenticeship provision’’ means any of the following sec-

tions of the Internal Revenue Code of 1986:

(A) Section 30C(g)(3).

(B) Section 45b(b)(8).

(C) Section 45q(h)(4).

(D) Section 45v(e)(4).

(E) Section 45y(g)(10).

(F) Section 45z(f)(7).

(G) Section 38a(b)(11).

(H) Section 48(e)(6).

(I) Section 48(d)(4).

(J) Section 179d(b)(5).

(B) APPLICABLE WAGE REQUIREMENT PRO-

OSSION.—The term ‘‘applicable wage require-

ment provision’’ means any of the following sections of the Internal Revenue Code of 1986:

(A) Section 30C(g)(2)(A).

(B) Section 45b(b)(7)(A).

(C) Section 45L(g)(2)(A).

(D) Section 45h(b)(3)(A).

(E) Section 45i(e)(6).

(F) Section 45v(e)(3)(A).

(G) Section 45y(g)(9).

(H) Section 45z(f)(6)(A).

(I) Section 38a(d)(10)(A).

(J) Section 48(e)(5)(A).

(K) Section 48d(k)(5).

(L) Section 179d(b)(4)(A).

(2) QUALIFIED APPRENTICE.—The term ‘‘qualified apprentice’’ has the same meaning given such term in section 45(b)(8)(E)(1)(I) of the Internal Revenue Code of 1986.

SA 5421. Mr. GRASSLEY (for himself and Mr. YOUNG) proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3576, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

At the end of title I, insert the following:

Subtitle —MIDDLE-CLASS INFLATION RELIEF

SEC. 10. MODIFICATION OF CAPITAL GAIN RATES.

Sec. 101. MODIFICATION OF ZERO PERCENT RATE.

(A) IN GENERAL.—Section 1031 of the Inte-

rior required for mining activities to commence.

SA 5419. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to pro-
vide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 6039.
EXCLUSION.—Subsection (a) shall not apply to any nonresident alien individual.

The term 'post-December reported amount' means the aggregate amount with respect to such qualified interest-related dividend amount, which bears the same ratio to the excess reported amount as the qualified interest-related dividend amount bears to the aggregate reported amount.

(i) In general.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported qualified interest-related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the qualified interest-related dividend amount bears to the aggregate reported amount.

(ii) Special rule for noncalendar year taxpayers.—In the case of any taxable year which begins after December 31 of such taxable year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (i) shall not apply to the excess of the post-December reported amount for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

(iv) Definitions.—For purposes of this subparagraph—

(A) reported qualified interest-related dividend amount means the amount reported to its shareholders under clause (i) as a qualified interest-related dividend.

(B) excess reported amount means the excess of the aggregate reported amount over the applicable qualified interest of the company for the taxable year.

(C) aggregate reported amount means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

(V) applicable qualified interest means interest described in paragraph (1).

(d) nonresident aliens ineligible for exclusion.—Subsection (a) shall not apply to any nonresident alien individual.

(e) Regulations.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring a report) to apply this section in the case of interest received—

(1) from partnerships and S corporations, and

(2) from a trade or business of the taxpayer.

(f) termination.—This section shall not apply to any taxable year beginning after December 31, 2024.

(b) conforming amendments.—

(1) section 265(a) of such Code is amended by inserting before the period at the end the following: ', or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116.

(2) subsection (c) of section 584 of such Code is amended by adding at the end the following: 'The proportionate share of each participant in the amount of qualified interest (as determined by the Secretary) allocable to such common trust fund shall be considered for purposes of such section as having been received by such participant.'

(3) subsection 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after such paragraph the following paragraph: '(7) QUALIFIED INTEREST.—There shall be included the amount of any qualified interest (as defined in section 116) excluded from gross income pursuant to section 116 (reduced by amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265).'

(c) effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. ADJUSTMENT FOR CERTAIN TAX BENEFITS.

(a) Child Tax Credit.—(1) In general.—Section 25A(b)(1) of the Internal Revenue Code of 1986 is amended by adding after the end the following new paragraph: '(B) Adjustment for Inflation.—In the case of a taxable year beginning after 2021 and before 2023, the $2,000 amount in paragraph (2) and each of the dollar amounts in paragraph (3) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 25A(f)(3) for the calendar year in which the tax year begins, determined by substituting 2020 for 2016 in subparagraph (A)(ii) thereof.

(2) rounding.—If any increase under subparagraph (A) is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.

(b) Lifetime Learning Credit.—Subsection (c) of section 25A of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: '(B) Adjustment for Inflation.—In the case of a taxable year beginning after 2021 and before 2023, the $10,000 amount in paragraph (1) shall be increased by an amount equal to—

(A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 25A(f)(3) for the calendar year in which the tax year begins, determined by substituting 2020 for 2016 in subparagraph (A)(ii) thereof.

(c) effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

(d) deduction for interest on education loans.—(1) in general.—Subsection (c) of section 221 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: '(A) Adjustments for Inflation.—

(i) Limitation.—In the case of a taxable year beginning after 2021 and before 2023, the $2,500 amount in subsection (b)(1), the $5,000 and $6,000 amounts in subsection (c) shall each be increased by an amount equal to—

(A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 25A(f)(3) for the calendar year in which the tax year begins, determined by substituting 2020 for 2016 in subparagraph (A)(ii) thereof.'
year in which the taxable year begins, determined by substituting ‘2020’ for ‘2016’ in subparagraph (A)(i) thereof, and

(2) INCOME THRESHOLDS.—In the case of a taxable year beginning after December 31, 2022, the $500,000 and $100,000 amounts in subsection (b)(2)(B)(i)(II) shall each be increased by an amount equal to—

(A) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2021’ for ‘2016’ in subparagraph (A)(ii) thereof.

(B) (the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2021’ for ‘2016’ in subparagraph (A)(ii) thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. EXTENSION OF LIMITATION ON DE- PUNITIONS FOR STATE AND LOCAL, ETC., TAXES.

(a) IN GENERAL.—Section 16(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘January 1, 2026’’ and inserting ‘‘January 1, 2027’’; and

(2) by striking ‘‘2025’’ in the heading thereof and inserting ‘‘2027’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 10. REDUCTION IN ADDITIONAL IN- TERNAL REVENUE SERVICE ENFORCE- MENT FUNDING.

Section 1191(c)(1) of this Act is amended by striking ‘‘$45,637,400,000’’ and inserting ‘‘$25,637,400,000’’.

SA 5422. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 1389, strikes lines 15 through 21 and insert the following:

‘‘(b) there has been a publicly announced patent litigation settlement or other agreement that permits the biosimilar application sponsor to market the biosimilar biological product before February 1 of the calendar year that is two years after the selected drug publication date of the selected drug; or

‘‘(ii) a biosimilar biological product application under section 351(k) of the Public Health Service Act has been accepted for filing under such section by the Food and Drug Administration;’’.

SA 5423. Mrs. BLACKBURN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 11002 and insert the follow- ing:

SEC. 1100. SPECIAL RULE TO DELAY SELECTION AND NEGOTIATION OF BIOLOGICS FOR BIOSIMILAR MARKET ENTRY.

(a) TREATMENT OF BIOLOGICAL PRODUCTS HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION UNDER DRUG PRICE NEGOTIATION PROGRAM.—

(1) IN GENERAL.—Section 1191(c) of the Social Security Act, as added by section 11001, is amended by adding the following new paragraph:

‘‘(7) BIOLOGICAL PRODUCT HIGHLY LIKELY TO BE SUBJECT TO BIOSIMILAR COMPETITION.—

(A) IN GENERAL.—The term ‘biological product highly likely to be subject to biological competition’ means a selected drug that is a biological reference product li-
subject to section 1191(c)(7)(E)" after "in accordance with section 1194".

(D) Section 1194 of the Social Security Act, as added by section 1101, is amended—

(i) in the matter preceding paragraph (1), by inserting "; and 

(ii) in subparagraph (b)(2)—

(I) in paragraph (A), by striking "with respect to the selected drug" and inserting "with respect to such initial price applicability year"; and

(II) in subparagraph (B), by inserting "with respect to such initial price applicability year" and inserting Subject to section 1191(c)(7)(E), with respect to an initial price applicability year"; and

(ii) in subsection (b)(2), by inserting "(or, in the case of a biological product highly likely to be subject to biosimilarity comparison (as defined in section 1191(c)(7)), the date that is two years after the date of publication under this section) after "the date of publication under this section".

(F) Section 5000D(b) of the Internal Revenue Code of 1986, as added by section 11003(a), is amended—

(i) in paragraph (1), by inserting "except in the case of a biological product highly likely to be subject to biosimilarity comparison (as defined in section 1191(c)(7) of the Social Security Act)" after "initial price applicability year 2026"; and

(ii) in paragraph (2), by inserting "except in the case of a biological product highly likely to be subject to biosimilarity comparison (as defined in section 1191(c)(7) of the Social Security Act)" after "initial price applicability year 2026";

(B) REDUCTION OF ADDITIONAL IRS FUNDING FOR ENFORCEMENT.—Section 10301(a)(1A)(i)(I) of this Act is amended by striking subclause (II).

SA 5424. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

In section 2100(a), strike paragraphs (1) through (4) and insert the following:

(1) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the environmental quality incentives program under chapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa through 3839aa–8)—

(A) $250,000,000,000 for fiscal year 2023;

(B) $200,000,000,000 for fiscal year 2024;

(C) $175,000,000,000 for fiscal year 2025;

(D) $150,000,000,000 for fiscal year 2026;

(E) $100,000,000,000 for fiscal year 2027;

(2) to target any taxpayer for political or ideological or religious beliefs, or for the construction or operation of any Internal Revenue Service business system designed to receive or process information on flows of deposits or withdrawals over any period of time in a taxpayer’s private transaction account with a financial intermediary or payment processor or platform.

(c) LIMITATIONS RELATED TO THE INTERNAL REVENUE SERVICE.—None of the funds appropriated under subsection (a) or (b) shall be used—

(1) to audit taxpayers with taxable incomes below $100,000,

(2) to target any taxpayer for political or ideological or religious beliefs, or for the construction or operation of any Internal Revenue Service business system designed to receive or process information on flows of deposits or withdrawals over any period of time in a taxpayer’s private transaction account with a financial intermediary or payment processor or platform.

SA 5429. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike paragraph (5) of section 10301(a).

SA 5430. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike paragraph (3) of section 10301(a).

SA 5431. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike part 3 of title A of title I.
amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 38, line 9 and 10, insert “privacy protections against leaks of private, legally protected taxpayer data by Internal Revenue Service, universal audit trails to track the utilization and access of private, legally protected taxpayer data by Internal Revenue Service personnel and contractors and researchers,” after “taxpayer advocacy services.”

SA 5433. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike paragraphs (2) and (3) of section 10301(a) and insert the following:

(2) Treasury Inspector General for Tax Administration.—For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $507,533,803, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

SA 5434. Mr. DURBIN (for Mr. VANN HOLLEN) proposed an amendment to the resolution S. Res. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association; as follows:

Strike all after the resolving clause and insert the following:

“That the Senate—

(1) recognizes the significant contributions to the United States of citizens of Hellenic heritage; and

(2) commemorates the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association; appaluds its mission, and commends the many charitable contributions of its members to communities in the United States and around the world.”

SA 5435. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In title VII, strike section 70001 and insert the following:

SEC. 70001. FUNDING FOR U.S. CUSTOMS AND BORDER PROTECTION.

In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, which shall remain available until September 30, 2023; to pay the necessary expenses relating to the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

SA 5436. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) In General.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act; and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that the processing backlog with respect to income tax returns for taxable year 2020 has been eliminated.

(b) Definitions.—In this section—

(1) APPLICABLE EMPLOYEE.—The term ‘‘applicable employee’’ means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework, on a temporary or permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ‘‘telework’’ has the same meaning given such term under section 6501(b) of title 5, United States Code.

SA 5441. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 30002, strike paragraph (1) and insert the following:

That, $757,500,000, to remain available until September 30, 2023, for disaster recovery assistance under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), for natural disasters declared during the period beginning on January 1, 2020 and ending on December 31, 2021.

SA 5442. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike part 3 of subtitle A of title I and insert the following:

PART 3—DEDUCTION FOR QUALIFIED BUSINESS INCOME

SEC. 10301. EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) In General.—Section 199A(i) of the Internal Revenue Code of 1986 is amended by striking ‘‘2025’’ and inserting ‘‘2030’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5443. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. BRINGING IRS EMPLOYEES BACK TO THE OFFICE.

(a) In General.—Notwithstanding any other law, in the case of an applicable employee, such employee shall not be authorized to telework during the period—

(1) beginning on the date that is 5 business days after the date of enactment of this Act; and

(2) ending on the date on which the Commissioner of Internal Revenue certifies that...
the processing backlog with respect to income tax returns for taxable year 2020 has been
eliminated.

(b) DEFINITIONS.—In this section—
(1) APPLICABLE EMPLOYEE.—The term ‘‘applicable employee’’ means an employee of the Internal Revenue Service who, as of the date of enactment of this Act, is authorized to telework temporarily or on a permanent basis, pursuant to a policy established by the Commissioner of Internal Revenue in response to the coronavirus disease 2019 (COVID–19).

(2) TELEWORK.—The term ‘‘telework’’ has the same meaning given such term under section 6501(3) of title 5, United States Code.

SA 5444. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

On page 381, strike line 20 and all that follows through page 385, line 20, and insert the following:

(c) DEFINITION OF NEW CLEAN VEHICLE.—Subsection (d) of section 30D is amended to read as follows—

‘‘(d) NEW CLEAN VEHICLE.—For purposes of this section, the term ‘new clean vehicle’ means any vehicle that is cleaner than what the taxpayer owns.’’.

SA 5445. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 9 of subtitle D of title I and insert the following:

SEC. 13900 . EXTENSION OF DEDUCTION FOR QUALIFIED BUSINESS INCOME.

(a) IN GENERAL.—Section 199A(1) of the Internal Revenue Code of 1986 is amended by striking ‘‘2025’’ and inserting ‘‘2030’’.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 13901 . EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 164(b)(6) of the Internal Revenue Code of 1986 is amended—

(1) by striking ‘‘January 1, 2026’’ and inserting ‘‘January 1, 2031’’; and

(2) by striking ‘‘2029’’ in the heading thereof and inserting ‘‘2030’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SA 5446. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 6 of subtitle B of title V and insert the following:

SEC. 5026 . DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105a(a) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended—

(1) in paragraph (1), by striking ‘‘50’’ and inserting ‘‘37.5’’; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ‘‘50’’ and inserting ‘‘62.5’’;

(B) in subparagraph (A), by striking ‘‘75’’ and inserting ‘‘80’’;

(C) in subparagraph (B), by striking ‘‘25’’ and inserting ‘‘20’’.

SA 5447. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place in part 7 of subtitle A of title V, insert the following:

SEC. 5017 . PRICING PREFERENCE FOR DOMESTIC ENTERPRISES—SALE OF DRAWDOWNS FROM STRATEGIC PETROLEUM RESERVE.

(a) DEFINITIONS.—Section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6252) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4), (6), (8), (9), (10), and (11) as paragraphs (3), (5), (6), (7), (8), and (9), respectively;

(3) in each of paragraphs (3) through (9) (as so redesignated), by inserting a paragraph heading, the text of which comprises the term defined in the paragraph;

(4) by inserting after paragraph (3) (as so redesignated) the following:

‘‘(14) QUALIFIED BIDDER.—The term ‘qualified bidder’ means an individual or entity that—

(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 161; and

(B) meets the criteria as the Secretary determines to be appropriate to participate in that sale.’’; and

(5) by striking the section designation and heading and all that follows through ‘‘(2) The term’’ and inserting the following:

‘‘SEC. 152. DEFINITIONS.—In this part and part C:

(1) DOMESTIC ENTITY.—The term ‘domestic entity’ means a commercial entity that, as determined by the Secretary—

(A) is headquartered in the United States; and

(B) purchases or sells petroleum products in the United States.

(2) IMPORTER.—The term.

(b) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) in subsection (a), by striking ‘‘the provisions of’’;

(2) in subsection (d)—

(A) by striking ‘‘(d)(1) Drawdown’’ and inserting the following:

‘‘(1) MECHANISM FOR ADJUSTMENT.—To provide pricing preference for domestic entities under subsection (b), the Secretary shall establish the price for each sale of petroleum products withdrawn from the Reserve, the Secretary shall provide to qualified bidders that are domestic entities a pricing preference in accordance with paragraph (2).’’;

(2) MECHANISM FOR ADJUSTMENT.—To provide pricing preference required by paragraph (1), in conducting a sale under this section the Secretary shall, in accordance with subsection (c)—

(A) accept bids from all qualified bidders; but

(B) in evaluating the accepted bids to identify the highest bidder, add to the bid price offered by each qualified bidder that is a domestic entity—

(i) for a domestic entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), an amount equal to the product obtained by multiplying—

(I) the amount of the bid price offered by that domestic entity; and

(II) 15 percent; and

(ii) for a domestic entity that is not a small business concern described in clause (i), an amount equal to the product obtained by multiplying—

(I) the amount of the bid price offered by that domestic entity; and

(II) 10 percent.

(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

(A) requires the Secretary to sell petroleum products withdrawn from the Reserve to a domestic entity, if the highest bid received from a qualified bidder that is a domestic entity, as adjusted pursuant to paragraph (2), is lower than a bid received from a qualified bidder that is not a domestic entity; or

(B) modifies, supercedes, or otherwise affects the application of, or any requirement under, subsection (b).

(4) in section (d)—

(A) by striking the subsection designation and all that follows through ‘‘Such a’’ in the third sentence of paragraph (1) and inserting the following:

‘‘(e) EVALUATION; TEST DRAWDOWNS.—

(1) EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures under this section, including the application of the pricing preference for domestic entities under subsection (d).

(2) TEST DRAWDOWNS.—In conducting an evaluation under paragraph (1), the Secretary may carry out a test drawdown and sale of exchange of petroleum products from the Reserve, subject to the condition that such a’’;

(B) in paragraph (4), by inserting ‘‘, subject to the condition that pricing preference may be provided to domestic entities in accordance with subsection (d), as the Secretary..."
determines to be appropriate” before the period at the end; and
(C) by indenting paragraph (6) appropriately;
(6) in subsection (b)(1)—
(A) by striking the undesignated matter following subparagraph (D); and
(B) by striking “(h)(1)’’ and inserting the following:
“’(f) PRESIDENTIAL FINDING ON SHORTAGES.—
(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), the Secretary may draw down and sell petroleum products from the Strategic Petroleum Reserve if’’;
(C) in subparagraph (A), by striking “section” and inserting “subsection”;
(D) by indenting subparagraphs (A) and (B) appropriately; and
(E) in subparagraph (D), by striking the comma at the end and inserting a period;
(7) by redesigning subsections (i) and (j) as subsections (g) and (h), respectively; and
(b) in paragraph (2) of subsection (b) (as so redesignated), by striking “IN GENERAL’’ and inserting “STATE OF HAWAI’I’’.
(c) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) Section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6243) is amended by striking the following:
“’(c) DRAWDOWN AND DISTRIBUTION.—
(1) IN GENERAL.—The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only in accordance with section 161.
(2) PROHIBITION.—A drawdown and distribution of petroleum products for purposes other than the objectives described in section 160(b) shall be prohibited.
(3) REQUEST OF FUNDS.—
(A) In general.—In the annual budget submitted at the beginning of the fiscal year, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve.
(B) No request.—If no request for funds is submitted under subparagraph (A) for a fiscal year, the Secretary shall provide a written explanation of the reasons why no request was made.
(C) by indenting the clause appropriately; and
(D) by striking “the Secretary” and inserting the following:
“(b) AUTHORITY OF SECRETARY.—The Secretary shall, to the maximum extent practicable, by inserting after paragraph (1) the following:
“(1) The Secretary shall, to the greatest extent practicable, and
“(2) by inserting after subparagraph (b) the following:
“(b) OBJECTIVES FOR ACQUISITIONS.—The Secretary shall, to the maximum’’;
(ii) by inserting after paragraph (1) the following:
“(2) support of domestic entities by providing pricing preference in accordance with section 161(d);’’;
(3) by inserting at the end of section 160(d) the following:
“(4) The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–183) is amended by striking the items relating to the part D of title I (relating to expiration) and the second section 181 (relating to expiration).

SA 5448. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
On page 426, strike lines 3 and 4 and insert the following:
“(B) in clause (i), by striking “the sun” and inserting “natural gas or liquid natural gas, the sun”,

SA 5449. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the end, add the following:

TITLE — COMMITTEE ON THE JUDICIARY

SEC. 0001. TASK FORCE TO REFORM THE BUREAU OF PRISONS INMATE TRUST FUND ACCOUNTS.

The Attorney General shall establish a task force to reform the handling of funds of Federal prisoners held in trust by the Bureau of Prisons and commissary funds of Federal prisons.

SA 5450. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 3576, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 10. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Section 1855 of title 28, United States Code, is amended by adding at the end the following:
“(e) COMPUTER INTRUSIONS BY A FOREIGN STATE.—A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which any money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:
“(1) Unauthorized access to or access exceeding authorization to a computer located in the United States.
“(2) Unauthorized access to confidential, electronic stored information located in the United States.
“(3) The transmission of a program, information, code, or command to a computer located in the United States, which, as a result of such conduct, causes damage without authorization.
“(4) The use, dissemination, or disclosure, without consent, of any information obtained by means of any activity described in paragraph (1), (2), or (3).
“(5) The provision of material support or resources for any activity described in paragraphs (1), (2), or (3), including by an official, employee, or agent of such foreign state.

(b) APPLICATION.—This section and the amendment made by this section shall apply to any action pending on, or filed on or after, the date of the enactment of this Act.
(b) an assisted living facility that provides services to individuals whose place of residence immediately prior to the individual relocating and establishing residence with the assisted living facility was located in a rural area, as defined by the Federal Office of Rural Health Policy in accordance with the “Response to Comments on Revised Geographic Eligibility for Federal Office of Rural Health Policy Grants” promulgated by the Health Resources and Services Administration on January 12, 2021 (86 Fed. Reg. 2418).

(3) PAYMENT.—The term “payment” includes, as determined appropriate by the Secretary, a pre-payment, a prospective payment, a retrospective payment, or payment through a grant or other mechanism.

SA 5454. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

Strike section 50131 and insert the following:

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2023, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2023, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (2); and

(B) $270,000,000, to remain available through September 30, 2023, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with paragraph (3).

(b) LATEST BUILDING ENERGY CODE.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt—

(i) a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

(ii) a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(B) to implement the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY APARTMENTS.—The Secretary shall use funds made available under paragraph (1)(B) for grants to assist States, and units of local government that have authority to adopt—

(A) to develop a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions of the 2021 International Energy Conservation Code or an equivalent stretch code; and

(b) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize environmental permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5455. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 486, strike lines 15 through 19 and insert the following:

“(1) in connection with a qualified facility which is a hydroelectric facility and exclusively serves communities which are not interconnected to the United States continental grid, has a maximum net output of not greater than 20 megawatts (as measured in alternating current), or

“(bb) in the case of a qualified facility which is not described in item (aa), has a maximum net output of not greater than 5 megawatts (as measured in alternating current), and

SA 5456. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

In section 60105, strike subsection (d) and insert the following:

(d) TARGETED AIRSHED GRANTS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for targeted airshed grants in accordance with paragraph (6) of the matter under the heading “STATE AND TRIBAL ASSISTANCE GRANTS” under the heading “ENVIRONMENTAL PROTECTION AGENCY” in title II of division B of the Consolidated Appropriations Act, 2022 (Public Law 116–260; 134 Stat. 1513), for the purpose of replacing woodstoves and wood fireplaces with cleaner home heating devices, and other related activities.

SA 5457. Ms. MURKOWSKI (for herself, Mr. DAINES, Mr. RISCH, and Mr.
SULLIVAN) submitted an amendment intended to be proposed to amendment S 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23003(a), strike paragraph (4) and insert the following:

(4) $50,000,000 to carry out good neighbor agreements under section 8326 of the Agricultural Act of 2014 (7 U.S.C. 2113a) on National Forest System land.

SA 5458. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment S 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 56223 and insert the following:

SEC. 56223. NATIONAL PARK SERVICE AND BUREAU OF LAND MANAGEMENT WILDLIFE RESILIENCE AND MITIGATION ACTIVITIES.

(a) Appropriations.—In addition to amounts otherwise available, there are appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, as follows:

(1) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct activities to protect cultural assets and natural resources from degradation as a result of vandalism or trespassing on Federal land along the international border between the United States and Mexico; and

(2) $125,000,000 for the period of fiscal years 2022 through 2026, and $125,000,000 for the period of fiscal years 2027 through 2031, for the National Park Service and Bureau of Land Management to conduct wildfire resilience and mitigation activities, including hazardous fuels reduction activities and wildfire prevention treatments.

(b) Requiring funds made available under this section are subject to the condition that the Secretary shall not—

(1) enter into any agreements;

(A) an amendment intended to be proposed to amendment S 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23003(a), strike paragraph (1) and insert the following:

(1) $700,000,000 to carry out good neighbor agreements under section 8326 of the Agricultural Act of 2014 (7 U.S.C. 2113a) on National Forest System land; and

SEC. 5460. Ms. MURKOWSKI (for herself, Mr. DAINES, and Mr. RUSCH) submitted an amendment intended to be proposed to amendment S 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

In section 23003(a), strike paragraph (4) and insert the following:

(4) $50,000,000 to carry out good neighbor agreements under section 8326 of the Agricultural Act of 2014 (7 U.S.C. 2113a) on National Forest System land.

SA 5459. Ms. MURKOWSKI (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment S 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 13903. NONPROFIT COMMUNITY DEVELOPMENT ACTIVITIES IN REMOTE NATIVE VILLAGES.

(a) In General.—For purposes of subchapter P of chapter I of the Internal Revenue Code of 1986, any activity substantially related to participation and investment in fisheries in the Bering Sea and Aleutian Islands and related to participation and investment in fisheries in the Bering Sea and Aleutian Islands shall be considered substantially related to the exercise or performance of the purpose constituting the basis of such entity’s exemption under section 501(a) of such Code if the conduct of such activity is in furtherance of 1 or more of the purposes specified in section 501(1)(A) of such Act. For purposes of this paragraph, activities substantially related to participation or investment in fisheries include the harvesting, processing, transportation, sales, and marketing of such Tribal fish that participate in the “Small and Needy” program.

(b) Distribution; Use of Funds.—Amounts made available under this section shall be excluded from the calculation of funds required to be distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301)) or a self-governance compact entered into pursuant to section 409(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301)—

(1) shall be distributed on a 1-time basis; and

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 80004. EMERGENCY DROUGHT RELIEF FOR TRIBES.

(a) Emergency Drought Relief.—In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through direct financial assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

(b) Cost-Sharing and Matching Requirements.—None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

SEC. 80005. TRIBAL PUBLIC SAFETY.

(a) Public Safety and Justice.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2021, for public safety and justice programs.

(b) Administration.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2021, for the administrative costs of carrying out this section.

(c) Small and Needy Program.—Amounts made available under this section shall be distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301)) or a self-governance compact entered into pursuant to section 409(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301) on a first-come-first-served basis; and

SEC. 80006. TRIBAL ELECTRIFICATION PROGRAM.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2023, for—

(1) the provision of electricity to unelectrified Tribal homes through zero-emissions energy systems; and

(2) transitioning electrified Tribal homes to zero-emissions energy systems; and

(3) associated home repairs and retrofitting activities.

(b) Administration.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

(c) Small and Needy Program.—Amounts made available under this section shall be distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301)) or a self-governance compact entered into pursuant to section 409(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301) on a first-come-first-served basis; and

SEC. 80007. TRIBAL ELECTION PROGRAM.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2021, for—

(1) distributing and using funds available through the Community Election program; and

(2) distributing and using funds available through the Tribal Election program.
SA 5462. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60004 and insert the following:

SEC. 60004. FEDERAL INDIAN BOARDING SCHOOL LIQUIDATION.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $12,500,000, to remain available until September 30, 2031, to carry out the Federal Indian Boarding School Initiative of the Department of the Interior.

SA 5463. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 60103 and insert the following:

SEC. 60103. NUCLEAR REGULATORY COMMISSION.

In addition to amounts otherwise available, there are appropriated to the Nuclear Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031:

(1) $200,000,000 for expenses necessary for the Nuclear Regulatory Commission to carry out activities relating to the review and approval or disapproval of an application for a early site permit (as defined in section 52.1 of title 10, Code of Federal Regulations (or a successor regulation)); and

(2) $30,000,000 for expenses necessary for the Nuclear Regulatory Commission to conduct environmental reviews that—

(A) are a significant license renewal (commonly referred to as an “SLR”); and

(B) begin after February 24, 2022; and

(C) are carried out in accordance with parts 51 and 54 of title 10, Code of Federal Regulations (or successor regulations).

SA 5464. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of subtitle B of title I, add the following:

SEC. 11005. ENSURING ACCESS FOR MEDICARE BENEFICIARIES TO ORAL CANCER DRUGS.

Sec. 1192(e)(3) of the Social Security Act, as added by section 11001, is amended by adding at the end the following new subparagraph:

“(D) ORAL CANCER DRUGS.—A drug used to treat oral cancer.”

SA 5465. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 23. ANNUAL TIMBER REVENUE RECEIPTS.

The Secretary shall administer the National Forest System in a manner necessary to attain annual timber receipts commensurate with not less than 75 percent of the allowable sale quantity described in section 13 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601) and administratively established under each applicable most recent adopted land and management resource plan.

SA 5469. Ms. HASSAN proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike page 2 of subtitle D of title I, insert the following:

SEC. 70002. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the United States Postal Service for Postal Service vehicle acquisitions for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code—

(1) $1,000,000,000, to remain available through September 30, 2031, for the purchase of zero-emission delivery vehicles with respect to which the requirements described in paragraphs (1), (2), and (3) of subsection (b) are satisfied; and

(2) $100,000,000, to remain available through September 30, 2031, for the purchase, design, and installation of the requisite infrastructure to support zero-emission delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) and (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 535); and

(3) shall only be used for the purposes identified under the applicable subsection.
(b) REQUIREMENTS.—
(1) FINAL ASSEMBLY REQUIREMENT.—The requirement described in this paragraph is that final assembly of the vehicle occurs in North America.
(2) CRITICAL MINERALS REQUIREMENT.—
(A) IN GENERAL.—The requirement described in this subparagraph with respect to a vehicle placed in service before January 1, 2024, shall be—
(i) in the case of a vehicle placed in service during calendar year 2023, 90 percent; and
(ii) in the case of a vehicle placed in service during calendar year 2022, 60 percent;
(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage shall be—
(i) in the case of a vehicle placed in service before January 1, 2024, 80 percent; and
(ii) in the case of a vehicle placed in service thereafter, the applicable percentage shall be determined by the Secretary of the Treasury in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Federal Communications Commission to ensure that the component meets the applicable percentage, as determined by the Secretary of the Treasury in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Federal Communications Commission.

SEC. 40008. SPECTRUM AUCTION.

(a) IDENTIFICATION.—Not later than 21 months after the date of enactment of this Act, the Commission shall—

(1) in subsection (b)(2)(F)(ii), by inserting ‘‘or (h)’’ after ‘‘subsection (d)’’;

(2) after the amount required to be deposited by paragraph (1) of this subsection is so deposited, the Commission shall use such amounts as are necessary to reimburse the general fund of the Treasury for any amounts borrowed under section (d) of this section; and

(3) as added by section 11001, is amended—

(1) IN GENERAL.—The maximum fair price shall be—

(A) I N GENERAL.—The requirement described in this subparagraph with respect to a vehicle placed in service before January 1, 2024, to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 11005. FLOOR FOR MAXIMUM FAIR PRICE UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

Section 1194 the Social Security Act, as added by section 11001, is amended—

(1) in subsection (b)(2)(F)(ii), by inserting ‘‘or (h)’’ after ‘‘subsection (d)’’; and

(2) by adding at the end the following new subsection:

SEC. 11006. FLOOR FOR MAXIMUM FAIR PRICE.

(a) REMOVAL OF HARMFUL SMALL BUSINESS TAXES.—Subparagraph (b) of section 59(k)(1), as added by section 10101, is amended to read as follows:

‘‘(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2022.’’
may be found at subsection (c)(4), 55 percent; and "(C) in the case of a long-monopoly drug or biological mentioned in subsection (c)(4), 30 percent."

SA 5475. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle E—Striking the Continued Delay of Prescription Drug Rebate Rule

SEC. 14001. STRIKING CONTINUED DELAY OF IMPLEMENTATION OF PRESCRIPTION DRUG REBATE RULE.

(a) In General.—Subtitle B of title I is amended by striking part 4.

(b) Offset-setting Reductions in Funding.—

(1) Section 10301(a)(1) of this Act is amended by striking paragraph (1).

(2) Title III of this Act is amended by striking section 3014.

(3) 'Title V of this Act is amended—

(A) by striking 50121; and

(B) by striking section 5014.

(4) Title VI of this Act is amended—

(A) by striking section 60106; and

(B) by striking section 60113; and

(C) by striking section 60114.

SA 5476. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. EXTENSION OF TREATMENT OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) In General.—Section 13206 of Public Law 115–97 is amended—

(1) in subsection (b)(3), by striking "2021" and inserting "2022"; and

(2) in subsection (e), by striking "2021" and inserting "2023".

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 13206 of Public Law 115–97.

SA 5478. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PART I—MEDI-CARE AND MEDICAID PROVISIONS

Subpart A—Medicare Part B Provisions

SEC. 11001. IMPROVEMENTS TO MEDICARE SITE OF SERVICE TRANSPARENCY.

Section 1834(t) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in paragraph (1)—

(A) by striking "In general" and inserting "For purposes of"; and

(B) in the matter preceding subparagraph (A)—

(i) by striking "or to" and inserting "or to, or a physician for services furnished in a physician’s office after "surgical center under this title"; and

(ii) by inserting "(or to a physician for services furnished in a physician’s office) after "2018"; and

(C) in subparagraph (A)—

(i) by striking "and the" and inserting "the"; and

(ii) by inserting ,, and the physician fee schedule under section 1848 (with respect to the practice expense component of such payment amount) after "such section"; and

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) PHYSICIAN PAYMENT.—Beginning in 2023, the Secretary shall expand the information included on the internet website described in paragraph (1) to include—

"(A) the amount paid to a physician under section 1848 for an item or service for the settings described in paragraph (1); and

"(B) the estimated amount of beneficiary liability applicable to the item or service."

SEC. 11002. PROVIDING FOR VARIATION IN PAYMENT FOR CERTAIN DRUGS COVERED UNDER PART B OF THE MEDICARE PROGRAM.

(a) In General.—Section 1847(a)(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting after "or 106 percent" the following: "(or, for a single source drug or biological furnished on or after January 1, 2023, the applicable percentage specified in subparagraph (9)(A) for the drug or biological involved)"; and

(B) in subparagraph (B) of paragraph (1), by inserting after "106 percent" the following: "(or, for a single source drug or biological furnished on or after January 1, 2023, the applicable percentage specified in subparagraph (9)(A) for the drug or biological and quarter involved)"; and

(2) by adding at the end the following new paragraph:

"(9) APPLICATION OF VARIABLE PERCENTAGES BASED ON PERCENTILE RANKING OF PER BENEFICIARY ALLOWED CHARGES.—

"(A) APPLICABLE PERCENT TO BE APPLIED.—

"(i) In General.—Subject to clause (ii), with respect to a drug or biological furnished in a calendar quarter beginning on or after January 1, 2023, if the Secretary determines that the percentile ranking of per beneficiary allowed charges for all such drugs or biologicals, is—

"(I) at least equal to the 85th percentile, the applicable percent for the drug for such quarter under this subparagraph is 104 percent;

"(II) at least equal to the 70th percentile, but less than the 85th percentile, such applicable percent is 106 percent; and

"(III) at least equal to the 50th percentile, but less than the 70th percentile, such applicable percent is 110 percent; or

"(IV) less than the 50th percentile, such applicable percent is 115 percent.

"(ii) Cases Where Data Not Sufficiently Available to Compute Per Beneficiary Allowed Charges.—

"(I) In General.—With respect to a calendar quarter beginning on or after January 1, 2023, for drugs and biologicals for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1) and not under subsection (c)(4), for calendar quarters during a period in which data are not sufficiently available to compute a per beneficiary allowed charge for the drug or biological, the applicable percent is 106 percent.

"(II) Determination of Percentile Ranking of Per Beneficiary Allowed Charges of Drugs.—

"(I) In General.—With respect to a calendar quarter beginning on or after January 1, 2023, for drugs and biologicals for which the amount of payment is determined under subparagraph (A) or (B) of paragraph (1), except for drugs or biologicals for which data are not sufficiently available, the Secretary shall—

"(i) compute the per beneficiary allowed charge (as defined in subparagraph (C)) for each such drug or biological;

"(II) adjust such per beneficiary allowed charges for the quarter, to the extent provided under subparagraph (D); and

"(III) arrange such adjusted per beneficiary allowed charges for all such drugs or biologicals from high to low and rank such drugs or biologicals by percentile of such per beneficiary allowed charges.

"(ii) Frequency.—The Secretary shall make the computations under clause (i) every 6 or 12 months (or, as determined by the Secretary, every 9 or 12 months) and such computations shall apply
to succeeding calendar quarters until a new computation has been made.

“(iii) APPLICABLE DATA PERIOD.—For purposes of this paragraph, the term ‘applicable data period’ means the most recent calendar period for which the data necessary for making the computations under clause (i) are available, as determined by the Secretary.

“(C) PER BENEFICIARY ALLOWED CHARGES DEFINED.—In this paragraph, the term ‘per beneficiary allowed charges’ means, with respect to a drug or biological for which the amount under paragraph (1)(A), (1)(B), or (1)(C) is made under subparagraph (A), (B), or (C) of (1) the amounts that would otherwise be applied under subparagraph (1)(B); and

“(ii) the number of individuals for whom any payment for the drug or biological was made under paragraph (1) for the applicable data period, as estimated by the Secretary; divided by

“(ii) the number of individuals for whom any payment for the drug or biological was made under paragraph (1) for the applicable data period, as estimated by the Secretary.

“(D) ADJUSTMENT TO REFLECT CHANGES IN AVERAGE SALES PRICE.—In applying this paragraph for a particular calendar quarter, the Secretary shall adjust the per beneficiary allowed charges for a drug or biological by multiplying the per beneficiary allowed charges under subparagraph (C) for the applicable data period by the ratio of

“(i) the average sales price for the drug or biological for the most recent calendar quarter used under subsection (c)(5)(B); to

“(ii) the average sales price for the drug or biological for the calendar quarter (or the quarters in the case of a multi-source drug or biological) otherwise determined under paragraph (1) for each calendar quarter involved in the applicable data period.

“(E) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term ‘applicable add-on payment’ means the following:

“(i) In the case of a single source drug, an amount equal to the difference between—

“(I) the amount that would otherwise be applied under such subparagraph if ‘100 percent’ were substituted for the applicable percent (as defined in paragraph (9)) for such drug.

“(II) the amount that would be applied under such subparagraph if ‘100 percent’ were substituted for the applicable percent (as defined in paragraph (9)) for such drug or biological.

“(ii) In the case of a biosimilar biological product, an amount equal to the difference between—

“(I) the amount that would otherwise be applied under subparagraph (c)(4)(A)(ii); and

“(II) the amount that would be applied under such subparagraph if ‘100 percent’ were substituted, as applicable, for—

“(aa) ‘103 percent’ in clause (I) of such subparagraph; or

“(bb) any percent in excess of 100 percent applied under clause (II) of such subparagraph.

“(F) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

“(i) with respect to a drug or biological (other than autologous or allogeneic cellular immunotherapy)—

“(I) for each of 2023 through 2030, $1,000; and

“(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year; or

“(ii) with respect to a drug or biological consisting of autologous or allogeneic cellular immunotherapy—

“(I) for each of 2023 through 2030, $2,000; and

“(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

“(G) AMOUNTS ADDITIONAL TO MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of this paragraph, amounts specified in this subparagraph are not available for (A) in the case of a single source drug or biological, an amount equal to the difference between—

“(i) the amount that would otherwise be applied under such paragraph if ‘100 percent’ were substituted for the applicable percent (as defined in paragraph (9)) for such drug.

“(ii) the amount that would be applied under such subparagraph if ‘100 percent’ were substituted for the applicable percent (as defined in paragraph (9)) for such drug or biological.

“(H) AMOUNTS ADDITIONAL TO MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

“(I) the amount that would otherwise be applied under subparagraph (c)(4)(A)(ii); and

“(II) the amount that would be applied under such subparagraph if ‘100 percent’ were substituted, as applicable, for—

“(aa) ‘103 percent’ in clause (I) of such subparagraph; or

“(bb) any percent in excess of 100 percent applied under clause (II) of such subparagraph.

“(I) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

“(i) with respect to a drug or biological (other than autologous or allogeneic cellular immunotherapy)—

“(I) for each of 2023 through 2030, $1,000; and

“(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

“(ii) with respect to a drug or biological consisting of autologous or allogeneic cellular immunotherapy—

“(I) for each of 2023 through 2030, $2,000; and

“(II) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

“(J) SECURED DEPARTMENT OF A PROVIDER.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2023, shall be the amount otherwise determined under such paragraph (21)(B) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(C)).

“(K) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

“(i) shall not be considered an adjustment under paragraph (2)(E); and

“(ii) shall not be implemented in a budget neutral manner.

“(L) CREDIT UNDER THE MEDICARE MERIT-BASED INCENTIVE PAYMENT SYSTEM FOR COMPLETION OF A CLINICAL MEDICAL EDUCATION PROGRAM ON BIOLOGICAL PRODUCTS.—Section 1848(q)(5)(C) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended by adding at the end the following new clause:

“(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under subparagraph (A) for a specified covered outpatient department of a provider that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2033, if such payment is determined based on the amount of payment under section 1847A pursuant to clause (ii)(II) of such subparagraph, the provisions of subsection (b)(10) of section 1847A shall apply to the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.

“(2) ASC.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(t)(13)(D)) is amended—

“(A) by moving clause (v) 6 ems to the left; and

“(B) by redesignating clause (vi) as clause (vii); and

“(C) by inserting after clause (v) the following new clause:

“(vi) There is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2023, the provisions of subsection (b)(14)(C) shall apply to the establishment of the amount of payment for such drug or biological under such system in the same manner as such provisions apply to the establishment of the amount of payment under subsection (b)(14)(C).

“SEC. 11004. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUT-PATIENT DEPARTMENTS OF A PROVIDER.

Section 1833(i)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new sub-paragraph:

“(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

“(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or (iv) of paragraph (21)(B), the payment amount for such service furnished on or after January 1, 2023, shall be the amount otherwise determined under such paragraph (21)(B) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (21)(C)).

“(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

“(I) shall not be considered an adjustment under paragraph (2)(E); and

“(II) shall not be implemented in a budget neutral manner.

“SEC. 11005. CREDIT UNDER THE MEDICARE MERIT-BASED INCENTIVE PAYMENT SYSTEM FOR COMPLETION OF A CLINICAL MEDICAL EDUCATION PROGRAM ON SIMILAR BIOLOGICAL PRODUCTS.

Section 1848(q)(5)(C) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended by adding at the end the following new clause:

“(IV) CLINICAL MEDICAL EDUCATION PROGRAM ON BIOSIMILAR BIOLOGICAL PRODUCTS.—Completion of a clinical medical education program developed or improved under section 352a(b) of the Public Health Service Act by a MIPS eligible professional during a performance period shall earn such eligible professional a merit-based incentive payment equal to the product of the national score for the performance category described in paragraph (2)(A)(iii) for such performance period. A MIPS eligible professional may earn multiple merit-based incentive payments for purposes of such category one time during the eligible professional’s lifetime.”.
(a) **Study.—** The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(b) **Applicable drugs defined.—** In this section, the term "applicable drugs" means drugs and biologicals:

(1) which reimbursement and administrative action under such part B is based on the average sales price of the drug or biological; and

(2) for which the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less than 25 drugs or biologicals).

(c) **Requirements.—** The study under paragraph (1) shall include an analysis of the following:

(1) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would result from the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation, for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs

(E) Other areas determined appropriate by the Comptroller General.

(b) **Report.—** Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations on such formulation and administrative action as the Secretary determines appropriate.

**Subpart B—Medicare Part D Provisions**

**SEC. 11011. **MEDICARE PART D BENEFIT REDUCTION

(a) **Benefit structure redefinition.—** Section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)) is amended—

(i) in paragraph (2)—

(I) in the matter preceding clause (I) of subparagraph (A)—

(aa) by striking "for a year preceding 2023," after "paragraph (4),"; and

(bb) by striking "and each subsequent year," after "paragraph (3)";

(ii) in clause (i), by inserting "for a year preceding 2023," after "paragraph (4),"; and

(iii) in clause (ii), by striking "and each subsequent year," after "paragraph (3);"

(b) **Reimbursement payment amount.—** Section 1860D–15(b)(2) of the Social Security Act (42 U.S.C. 1395w–105(b)(2)) is amended—

(i) in clause (i), by striking "or" and inserting "and"; and

(ii) in clause (ii), by striking "and (bb)" and inserting "(bb),"; and

(iii) in paragraph (4)—

(A) in subparagraph (A)—

(I) in clause (i), by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(II) in the matter preceding item (aa), as redesignated by clause (I), by striking "is equal to the greater of" and inserting "is equal to";

(III) in the matter preceding item (aa), as redesignated by clause (I), by striking "for a year preceding 2023, the greater of";

(IV) by adding at the end the following new sentence: "The Secretary shall continue to calculate the dollar amounts specified in clause (i)(aa), including with the adjustment under this clause, after 2022 for purposes of section 1860D–14(a)(1)(D)(iii)";

(B) in subparagraph (B)—

(I) in clause (i), by striking "(i)(I)" and inserting "(i)(I)"; and

(ii) in clause (ii), by striking "(V)" and inserting "(V)";

(C) in subparagraph (C)(i), by striking "and amounts" and inserting "and amounts for"; and

(D) in subparagraph (D), by striking "(A)" and inserting "(A)";

(e) **Compliance with requirements for applicable drugs.—** An agreement under this section shall comply with requirements for applicable drugs, as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or paragraph (B) established under such subsection (c)(1).

(f) **Length of agreement.—**

(A) **In general.—** An agreement under this section shall be for a period not less than 1 year unless terminated under paragraph (3) or (4).

(B) **Termination.—**

(i) **By the Secretary.—** The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of this agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination. Such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date.
to be repealed if the Secretary determines appropriate.

(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this subsection. Any such termination shall be effective, with respect to a plan year—

(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the plan year.

(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall be effective, with respect to drugs of the manufacturer that are due under the agreement before the effective date of its termination.

(iv) THIRD PARTY.—The Secretary shall provide for notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

(v) EFFECTIVE DATE OF AGREEMENT.—An agreement under this subsection shall take effect on a date determined appropriate by the Secretary. The term may be at the start of a calendar quarter.

(c) DUTIES DESCRIBED.—The duties described in this section are the following:

(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

(C) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail service is reimbursed for an amount equal to the difference between—

(i) the negotiated price of the applicable drug; and

(ii) if discounted price of the applicable drug;

(D) the establishment of procedures to ensure that the discounted price for an applicable drug is not applied to covered benefits; and

(E) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

(2) MONITORING COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (d).

(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

(4) TERMINATION.—

(A) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

(2) LIMITATION.—In providing for the implementation of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into contracts with one or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party may require the preceding sentence shall require that the third party—

(A) formulate and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

(B) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, necessary for the manufacturer to fulfill its obligations under this section; and

(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the activities carried out by the third party to determine discounts for applicable drugs of the manufacturer under the program.

(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the integrity of the activities carried out by the third party under the program under this section.

(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

(6) ENFORCEMENT.—

(A) AUDITS.—The Secretary shall require that each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

(B) CIVIL MONEY PENALTY.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

(I) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

(ii) 25 percent of such amount.

(7) MANUFACTURER.—The Secretary shall conduct and initiate investigations, examinations, or enforcement actions with respect to an applicable beneficiary does not fall at or above the annual deductible specified in section 1860D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section only on the portion of the negotiated price for the applicable drug that falls at or above such annual deductible.

(8) MANUFACTURER.—The term ‘manufacturer’ means any entity which is engaged in the production, manufacture, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from natural sources. The term includes a wholesale distributor of drugs or a retail pharmacy licensed under State law.

(9) NEGOTIATED PRICE.—The term ‘negotiated price’ has the meaning given such term in section 1860D–2(d)(1)(B), except that such negotiated price shall not include any dispensing fee for an applicable drug.

(10) QUALIFIED PRESCRIPTION DRUG PLAN.—The term ‘qualified prescription drug plan’ has the meaning given such term in section 1860D–22(a)(2).

(11) SUNSET OF MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Section 1860D–1A of the Social Security Act (42 U.S.C. 1395i–114a) is amended—

(A) by adding at the end the following new subsection:

(B) SUNSET OF PROGRAM.—
(1) In general.—The program shall not apply to applicable drugs dispensed on or after January 1, 2023, and, subject to paragraph (2), agreements under this section shall be terminated as of such date.

(2) Continued application for applicable drugs dispensed prior to sunset.—The provisions of this section (including all responses and agreements) shall continue to apply after January 1, 2023, with respect to applicable drugs dispensed prior to such date.

(i) Inclusion of actuarial value of manufacturer discounts in bids.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–11) is amended—

(A) in subsection (2)(C)(ii)—

(i) by striking “assumptions regarding the reinsurance” and inserting “assumptions regarding—

(‘‘the reinsurance’’); and

(ii) by adding at the end the following—

(‘‘(i) the reinsurance’’; and

(ii) in clause (i), as added by clause (i) of this subparagraph, by adding ‘‘and’’ at the end; and

(iii) by adding at the end the following—

(‘‘for 2023 and each subsequent year, the manufacturer discounts provided under section 1860D–14B’’;

(b) Clarification regarding exclusion of manufacturer discounts from troop.—Section 1860D–2(b)(1)(b) of the Social Security Act (42 U.S.C. 1395w–102(b)(1)) is amended—

(A) in subparagraph (C), by inserting “and” after “subject to subparagraph”;

(B) by adding at the end the following new subparagraph:

(‘‘(P) Clarification regarding exclusion of manufacturer discounts.—In applying subparagraph (A), incurred costs shall not include any manufacturer discounts provided under section 1860D–14B.’’;

(c) Determination of allowable reinsurance costs.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (2)—

(A) by striking “Costs.—‘‘(For purposes” and inserting “Costs.—‘‘(A) In general.—Subject to subparagraph (B), for purposes”;

(B) by adding at the end the following new subparagraph:

(‘‘B) Inclusion of manufacturer discounts on applicable drugs.—For purposes of applying subparagraph (A), the term ‘‘allowable reinsurance costs’’ shall include the portion of the negotiated price (as defined in section 1860D–14(c)(2)(A)) that was paid by a manufacturer under the manufacturer discount program under section 1860D–14B.”;

(2) in paragraph (3)—

(A) in the first sentence, by striking “For purposes” and inserting “Subject to paragraph (2)(B), for purposes”;

(B) in the second sentence, by inserting “or, in the case of an applicable drug, by a manufacturer”;

(c) Updating risk adjustment methodologies to account for part D modernization redesign.—Section 1860D–15(c) of the Social Security Act (42 U.S.C. 1395w–115(c)) is amended by adding at the end the following new paragraph:

(‘‘(3) Updating risk adjustment methodologies to account for part D modernization redesign.—The Secretary shall update the risk adjustment model used to adjust bid amounts pursuant to this subsection as appropriate to take into account changes in benefits under this part pursuant to the amendments made by section 121 of the Lower Cost, More Cures Act of 2023.’’;

(d) Conditions for coverage of drugs under this part.—Section 1860D–43 of the Social Security Act (42 U.S.C. 1395w–156) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ‘‘and’’ at the end; and

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

(‘‘(4) participate in the manufacturer discount program under section 1860D–14B;’’

(5) have entered into and have in effect an agreement described in subsection (b) of such section 1860D–14B with the Secretary; and

(6) have entered into and have in effect, under terms and conditions specified by the Secretary, a third party agreement whereby the Secretary has entered into a contract with under subsection (d)(3) of such section 1860D–14B;’’;

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

‘‘(b) Effective date.—Paragraphs (1) through (3) of this subsection shall apply to covered part D drugs dispensed under this part on or after January 1, 2011, and before January 1, 2023, and paragraphs (4) through (6) of such subsection shall apply to covered part D drugs dispensed on or after January 1, 2023;’’;

(3) in subsection (c), by striking paragraph (2) and inserting the following—

‘‘(2) the Secretary determines that in the period beginning on January 1, 2011, and ending on December 31, 2021, with respect to paragraphs (1) through (3) of subsection (a), or the period beginning on January 1, 2023, and ending December 31, 2023, with respect to paragraphs (4) through (6) of such subsection, there were no significant circumstances.’’;

(e) Conforming amendments.—

(1) Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–101) is amended—

(A) in subsection (a)(2)(A)(i)(I), by striking ‘‘, or an increase in the initial’’ and inserting ‘‘or for a year preceding 2023 an increase in the initial’’;

(B) in subsection (c)(1)(C)—

(i) in the subparagraph heading by striking ‘‘AT INITIAL COVERAGE LIMIT’’;

(ii) by inserting ‘‘for a year preceding 2023 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2023 and each subsequent year’’ after ‘‘subsection (b)(3) for the year’’ each place it appears; and

(C) in subsection (d)(1)(A), by striking ‘‘or an initial’’ and inserting ‘‘or for a year preceding 2023, an initial’’;

(2) Section 1860D–4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w–104(a)(4)(B)(i)) is amended by striking ‘‘the initial’’ and inserting ‘‘for a year preceding 2023, the initial’’;

(3) Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ‘‘the continuation’’ and inserting ‘‘For a year preceding 2023, the continuation’’;


(iii) in subparagraph (E), by striking ‘‘The elimination’’ and inserting ‘‘For a year preceding 2023, the elimination’’; and

(B) in paragraph (2)—

(i) in subparagraph (C), by striking ‘‘The continuation’’ and inserting ‘‘For a year preceding 2023, the continuation’’;

(ii) in subsection (c)—

(A) by inserting ‘‘for a year preceding 2023,’’ after ‘‘subsection (c);’’ and

(B) by striking ‘‘1860D–2(b)(4)(A)(i)(I)’’ and inserting ‘‘1860D–2(b)(4)(A)(i)(I)(aa)’’; and

(C) by inserting ‘‘and’’ at the end of the following new paragraph:


(A) by striking ‘‘the value of any discount’’ and inserting the following: ‘‘the value of—

(‘‘(i) for years prior to 2023, any discount’’;

(B) in clause (i), as inserted by subparagraph (A) of this paragraph, by striking the period at the end and inserting ‘‘; and’’; and

(C) by adding at the end the following new clause:

‘‘(ii) for 2023 and each subsequent year, any discount provided pursuant to section 1860D–14B.’’;

(6) Section 1860D–41(a)(6) of the Social Security Act (42 U.S.C. 1395w–151(a)(6)) is amended—

(A) by inserting ‘‘for a year before 2023’’ after ‘‘1860D–2(b)(3);’’ and

(B) by inserting ‘‘for such year’’ before the period.

(b) Effective date.—The amendments made by this section shall apply to plan year 2023 and subsequent plan years.

SEC. 11012. ALLOWING THE OFFERING OF ADDITIONAL PRESCRIPTION DRUG PLANS UNAFFILIATED WITH A PDP PART B.

(a) Rescinding and issuance of new guidance.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) shall—

(1) rescind sections of any sub-regulatory guidance that limit the number of prescription drug plans in each PDP region that may be offered by a PDP sponsor under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.); and

(2) issue new guidance specifying that a PDP sponsor may offer up to 4 (or a greater number if determined appropriate by the Secretary) prescription drug plans in each PDP region, except in cases where the PDP sponsor may offer up to 2 additional plans in a PDP region pursuant to section 11(d)(4) of the Social Security Act (42 U.S.C. 1395w–111(d)(4)), as added by subsection (b).

(b) Offering of additional plans.—Section 1860D–11(d) of the Social Security Act (42 U.S.C. 1395w–111(d)) is amended by adding at the end the following new paragraph:

‘‘(4) Offering of additional plans.—For plan year 2023 and each subsequent plan year, a PDP sponsor may offer up to 2 additional prescription drug plans in a PDP region (in addition to any limit established by the Secretary under this part) provided that the PDP sponsor complies with paragraph (B) with respect to at least one such prescription drug plan.

(‘‘(B) Requirements.—In order to be eligible to offer up to 2 additional plans in a PDP region pursuant to subparagraph (A), a PDP sponsor must ensure that with respect to at least one such prescription drug plan, the sponsor or any entity that provides pharmacy benefits management services under a contract with any such plan, does not receive direct or indirect remuneration, as defined in section 422.308(a) of title 42, Code
(a) Standard Prescription Drug Coverage.—Section 1927(c)(3)(B) of the Social Security Act (42 U.S.C. 1395w–92(c)(3)), as amended by section 1115A, is amended by adding at the end the following new paragraph:

"(iii) in subparagraph (B), by striking "and" and inserting "and any other information required under this paragraph;".
written contract between a manufacturer or third party on behalf of the manufacturer; or

(b) the withholding or reduction of a payment to the manufacturer or third party on behalf of the manufacturer; or

that is—

(a) a refund, rebate, reimbursement, or free goods from the manufacturer or third party that is triggered by a patient who fails to achieve outcomes or measures defined under the terms of such outcomes-based agreement during the period for which such agreement is effective;”;

and

(2) by adding at the end the following new subparagraph:

“(III) allow such individuals to achieve or maintain maximum functional capacity in performing daily activities or

(A) prevent, eliminate, or halt progression of any conditions related to such disease or condition in such individuals; or

(B) in the case that the qualifying drug is approved after the date of enactment of this section, for a month’s supply or a typical course of treatment that lasts less than a month, and is—

subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act; and

(iii) a reduction in the symptoms of such disease or condition in such individuals; or

(D) SPECIAL RULE FOR CERTAIN OUTCOMES-BASED AGREEMENTS.—For the purpose of subparagraph (A), in determining the average price paid to the manufacturer for a covered outpatient drug that is covered by the Commissioner of Food and Drugs, (1) in subparagraph (B)(i) the left margin of such subparagraph 2 ems to the left; and

(B) in the case of a report with respect to a qualifying drug that is covered by the Commissioner of Food and Drugs, the Secretary—

(i) subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act, or

(2) with respect to rare disease gene therapies—

(A) that has a wholesale acquisition cost of $100 or more, adjusted accordingly.’’.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11023. GAO STUDY AND REPORT ON USE OF OUTCOMES-BASED AGREEMENTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the extent to which outcomes-based agreements (as defined in section 1927(k)(13)) are used under an outcomes-based agreement (as defined in paragraph (10)) to provide for such drug is made in installments over the course of such agreement, such price shall be determined as if the aggregate price per terms of the agreement was paid in full in the first installment during the rebate period.”.

(b) EXCLUSION FROM PHYSICIAN SELF-REFERRAL PROHIBITION.—Section 1877(h)(1)(C) of the Social Security Act (42 U.S.C. 1395nn(h)(1)(C)) is amended by adding at the end the following new clause:

(2) in subclause (K)—

(A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking and after the semicolon at the end; (2) in subclause (K)—

(A) by moving the left margin of such subparagraph paras to the end; and

(B) by striking the period at the end and inserting ‘‘; and’’;

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SEC. 11022. ANTI-KICKBACK STATUTE AND PHYSICIAN SELF-REFERRAL SAFE HARBORS.

(a) EXCLUSION FROM ANTIKICKBACK PROHIBITION.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) in subsection (J) (A) by moving the left margin of such subparagraph 2 ems to the left; and

(B) by striking and after the semicolon at the end;

(2) in subsection (K)—

(1) in subparagraph (A) the left margin of such subparagraph 2 ems to the left; and

(2) by striking the period at the end and inserting ‘‘; and’’;

(3) by adding at the end the following new subparagraph:

(‘‘1) any remuneration provided by a manufacturer to a plan under an outcomes-based agreement (as defined in section 1927(k)(13)) in the event a patient fails to achieve outcomes or measures defined in such agreement following the administration of a covered outpatient drug that is a single course transformative therapy (as defined in section 1877(k)(12));

(b) EXCLUSION FROM PHYSICIAN SELF-REFERRAL PROHIBITION.—Section 1877(h)(1)(C) of the Social Security Act (42 U.S.C. 1395nn(h)(1)(C)) is amended by adding at the end the following new clause:

(ii) a reduction in the symptoms of such disease or condition; and

(II) prevent, eliminate, or halt progression of any conditions related to such disease or condition in such individuals; or

(iii) allow such individuals to achieve or maintain maximum functional capacity in performing daily activities or

(iv) Any amounts paid under an outcomes-based agreement (as defined in section 1927(k)(13)) that are paid in installments over the course of such agreement, such price shall be determined as if the aggregate price per terms of the agreement was paid in full in the first installment during the rebate period.”;

(1) in subparagraph (B)(i)—

(2) in subparagraph (K) the left margin of such subparagraph 2 ems to the left; and

(C) by adding at the end the following new clause:

(B) if administered in accordance with the ‘Indications and Usage’ section of its label, is expected to result in

(i) the cure of such disease or condition;

(ii) a reduction in the symptoms of such disease or condition to the extent that it is expected to result in

(i) extend life expectancy for those individuals with such disease or condition;

(ii) prevent, eliminate, or halt progression of any conditions related to such disease or condition in such individuals; or

(iii) allow such individuals to achieve or maintain maximum functional capacity in performing daily activities or

(iii) prevention or elimination of episodes, illnesses, injuries, or disabilities related to such disease or condition; and

(C) is expected to achieve a result described in subparagraph (B), which may be achieved over an extended period of time, following a single prescribed course of treatment.

‘‘(13) OUTCOMES-BASED AGREEMENT.—The term ‘outcomes-based agreement’ means a written contract between a manufacturer and a plan that effectively caps the aggregate price paid by the plan for the covered outpatient drug based on the achieve-
“(C) in the case of a report with respect to a qualifying drug that meets the criteria described in paragraph (1)(B), not later than 30 days after such drug meets such criteria.”

“(d) Report under subsection (b), consistent with the standard for disclosures described in section 213(c)(6) of title 12, Code of Federal Regulations (as in effect on the date of enactment of this section), shall, at a minimum, include—

“(1) with respect to the qualifying drug—

“(A) the manner by which the manufacturer will raise the wholesale acquisition cost of the drug within the calendar year or each consecutive calendar years as described in subsection (b)(1)(A) or (b)(1)(B), if applicable, and the effective date of such price increase;

“(B) an explanation for, and description of, each price increase for such drug that will occur during the calendar year period described in subsection (b)(1)(A) or the three consecutive calendar year period described in subsection (b)(1)(B); and

“(C) if known and different from the manufacturer of the qualifying drug, the identity of—

“(i) the sponsor or sponsors of any investigational new drug applications under section 505(i) of the Federal Food, Drug, and Cosmetic Act, or the license for the drug under section 351 of the Public Health Service Act, and

“(ii) acquiring patents and licensing for such drug to another manufacturer for such drug, for which the full reports are submitted as part of the application—

“(I) for approval of the drug under section 505 of such Act; or

“(II) for licensure of the drug under section 351 of the Public Health Service Act; and

“(iii) the sponsor of an application for the drug approved under such section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license, if applicable;

“(E) the current wholesale acquisition cost of the drug;

“(F) the total expenditures of the manufacturer on—

“(i) materials and manufacturing for such drug;

“(ii) acquiring patents and licensing for such drug;

“(G) the percentage of total expenditures of the manufacturer on research and development for such drug that was derived from Federal funds;

“(H) the total expenditures of the manufacturer on research and development for such drug that is necessary to demonstrate that it meets applicable statutory standards for approval under section 505 of the Federal Food, Drug, and Cosmetic Act or licensure under section 351 of the Public Health Service Act, as applicable;

“(I) the total expenditures of the manufacturer on pursuing new or expanded indications or dosage changes for such drug under section 505 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act;

“(J) the total expenditures of the manufacturer on carrying out postmarket requirements related to such drug, including under section 506(c)(3) of the Federal Food, Drug, and Cosmetic Act;

“(K) the total revenue and the net profit generated from the qualifying drug for each calendar year since the approval of the application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act or the issuance of the license for the drug under section 351 of the Public Health Service Act, or since the manufacturer acquired such approved application or license; and

“(L) the manufacturer’s efforts with marketing and advertising for the qualifying drug;

“(2) with respect to the manufacturer—

“(A) the total revenue and profit of the manufacturer for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

“(B) all stock-based performance metrics used by the manufacturer to determine executive compensation for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

“(C) any additional information the manufacturer chooses to provide related to drug pricing decisions, such as total expenditures on—

“(1) drug research and development; or

“(2) clinical trials, including rebates on drugs that failed to receive approval by the Food and Drug Administration; and

“(5) such other related information as the Secretary considers appropriate and as specified by the Secretary through notice-and-comment rulemaking.

“(d) INFORMATION UNPROVIDED.—The manufacturer of a qualifying drug that is required to submit a report under subsection (b), shall ensure that such report and any explanation for, and description of, each price increase described in subsection (c)(1)(B) shall be truthful, not misleading, and accurate.

“(e) CIVIL MONETARY PENALTY.—Any manufacturer of a drug that fails to submit a report for the drug as required by this section, following notification by the Secretary to the manufacturer that the manufacturer is not in compliance with this section, shall be subject to a civil monetary penalty of $75,000 for each day on which the violation continues.

“(f) FALSE INFORMATION.—Any manufacturer that submits a report for a drug as required by this section that knowingly provides false information, in any report submitted in the preceding paragraph (1), by inserting “other than as permitted under subsection (e)” after “disclosed by the Secretary”; and

“(g) by adding at the end the following new subsection:

“(h) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—In general, is with respect to each PBM.

“(2) with respect to the manufacturer—

“(A) user-friendly to the public; and

“(B) written in plain language that consumers can readily understand.

“(3) PROTECTED INFORMATION.—Nothing in this section shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.

“(4) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the day following the date of enactment of this Act.

SEC. 11102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b-23) is amended—

“(1) by inserting “the matter preceding paragraph (1), by inserting ‘other than as permitted under subsection (e)’” after “disclosed by the Secretary”; and

“(2) by adding at the end the following new subsection:

“(e) PUBLIC AVAILABILITY OF CERTAIN INFORMATION.

“(1) IN GENERAL.—In order to allow the comparison of PBMs’ ability to negotiate rebates, discounts, direct and indirect remuneration fees, administrative fees, price concessions and the amount of such rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions, beginning January 1, 2023, the Secretary shall make available on the internet website of the Department of Health and Human Services the information with respect to the second preceding calendar year provided to the Secretary on generic dispensing rates (as described in paragraph (1) of subsection (b)) and information provided to the Secretary under paragraphs (2) and (3) of such subsection that, as determined by the Secretary, is with respect to each PBM. Availability of non-PBM information in carrying out paragraph (1), the Secretary shall ensure the following:

“(A) CONFIDENTIALITY.—The information described in such paragraph is displayed in a manner that prevents the disclosure of information, with respect to an individual drug or an individual plan, on rebates, discounts, direct and indirect remuneration fees, administrative fees, and price concessions.

“(B) CLASS OF DRUG.—The information described in such paragraph is made available by class of drug, using an existing classification system, but only if the class contains such number of drugs, as specified by the Secretary (but not fewer than three drugs), to ensure confidentiality of proprietary information or other information that is prevented to be disclosed under paragraph (A).

SEC. 11102. MAKING PRESCRIPTION DRUG MARKETING SAMPLE INFORMATION REPORTED TO PBMS AVAILABLE TO CERTAIN INDIVIDUALS AND ENTITIES.

(a) In General.—Section 1128H of the Social Security Act (42 U.S.C. 1320d-7) is amended—

“(1) by redesignating subsection (b) as subsection (a); and

“(2) by inserting after subsection (a) the following new subsections:

“(b) REPORTING SAMPLE INFORMATION TO PBMS.

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall post each report submitted by a PBMS and a group of PBMS to the internet website of the Department of Health and Human Services in a way that is user-friendly to consumers and provider information about drug value and drug price transparency.

“(2) with respect to the manufacturer—

“(A) the total revenue and the net profit of the manufacturer for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

“(B) all stock-based performance metrics used by the manufacturer to determine executive compensation for each of the 1-year period described in subsection (b)(1)(A) or the 3-year period described in subsection (b)(1)(B), as applicable; and

“(C) any additional information the manufacturer chooses to provide related to drug pricing decisions, such as total expenditures on—

“(1) drug research and development; or

“(2) clinical trials, including rebates on drugs that failed to receive approval by the Food and Drug Administration; and

“(5) such other related information as the Secretary considers appropriate and as specified by the Secretary through notice-and-comment rulemaking.

“(d) INFORMATION UNPROVIDED.—The manufacturer of a qualifying drug that is required to submit a report for the drug as required by this section, following notification by the Secretary to the manufacturer that the manufacturer is not in compliance with this section, shall be subject to a civil monetary penalty of $75,000 for each day on which the violation continues.

“(f) FALSE INFORMATION.—Any manufacturer that submits a report for a drug as required by this section that knowingly provides false information, in any report submitted in the preceding paragraph (1), by inserting “other than as permitted under subsection (e)” after “disclosed by the Secretary”; and

“(g) by adding at the end the following new subsection:

“(h) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—In general, is with respect to each PBM.

“(2) with respect to the manufacturer—

“(A) user-friendly to the public; and

“(B) written in plain language that consumers can readily understand.

“(3) PROTECTED INFORMATION.—Nothing in this section shall be construed to authorize the public disclosure of information submitted by a manufacturer that is prohibited from disclosure by applicable laws concerning the protection of trade secrets, commercial information, and other information covered under such laws.

“(4) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the day following the date of enactment of this Act.
(b) DATA SHARING AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into agreements with the specified data sharing individuals and entities described under subsection (a) by manufacturers and authorized distributors of record; and

(b) such individual or entity agrees not to disclose, or publicly or to another individual or entity any information that identifies a particular practitioner or health care facility.

(2) SHARING INDIVIDUALS AND ENTITIES.—For purposes of paragraph (1), the specified data sharing individuals and entities described in this paragraph are the following:

(A) OVERSIGHT AGENCIES.—Health oversight agencies (as defined in section 164.501 of title 45, Code of Federal Regulations), including the Centers for Medicare & Medicaid Services, the Office of the Inspector General of the Department of Health and Human Services, the Government Accountability Office, the Congressional Budget Office, the Medicare Payment Advisory Commission, and the Medicaid and CHIP Payment and Access Commission.

(B) PAYER REPRESENTATIVES.—Individuals who conduct scientific research (as defined in section 164.501 of title 45, Code of Federal Regulations) in relevant areas as determined by the Secretary.

(C) PAYERS.—Private and public health care payers, including group health plans, health insurance coverage offered by health insurance issuers, Federal health programs, and State health programs.

(3) EXEMPTION FROM FREEDOM OF INFORMATION ACT REQUIREMENTS.—In accordance with paragraph (1), the Secretary may not be compelled to disclose the information submitted under subsection (a) to any individual or entity. For purposes of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), this paragraph shall be considered a statute described in subsection (b)(2)(B) of such section.

(c) PENALTIES.—

(1) DATA SHARING AGREEMENTS.—Subject to paragraph (3), any specified data sharing individual or entity described in subsection (b)(2) that violates the terms of a data sharing agreement the individual or entity has with the Secretary under subsection (b)(1) shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such violation. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

(2) PRIOR TO REPORT.—Subject to paragraph (3), any manufacturer or authorized distributor of record of an applicable drug under subsection (a) that fails to submit information required under such subsection in a timely manner in accordance with rules or regulations promulgated to carry out such subsection shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each such failure. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

(3) LIMITATION.—The total amount of civil money penalties imposed under paragraph (1) or (2) with respect to a year and an individual or entity described in paragraph (1) or a manufacturer or distributor described in paragraph (2), respectively, shall not exceed $150,000.

(d) DRUG SAMPLE DISTRIBUTION INFORMATION.—

(1) IN GENERAL.—Not later than January 1 of each year (beginning with 2023), the Secretary shall maintain a list containing information related to the distribution of samples of an applicable drug by manufacturers or distributors of record.

(ii) by striking ''DEDUCTIBLE.—A plan'' and inserting ''DEDUCTIBLE.—''.

(iii) by adding at the end the following:

''(i) IN GENERAL.—A plan shall provide the following information with respect to the preceding year:

(A) The name of the manufacturer or authorized distributor of record of an applicable drug for which samples were requested or distributed under this section.

(B) The quantity and class of drug samples requested or distributed under this section.

(C) The quantity and class of drug samples distributed.

(2) PUBLIC AVAILABILITY.—The Secretary shall maintain a list of specified drug samples that is publicly available on the public website of the Food and Drug Administration.

(b) FDA MAINTENANCE OF INFORMATION.—

The Food and Drug Administration shall maintain information available to affected reporting companies to ensure their ability to fully comply with the requirements of section 1128H of the Social Security Act.

(c) PROHIBITION ON DISTRIBUTION OF SAMPLES.—(1) A TREATMENT FOR CHRONIC CONDITIONS.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended—

(1) by adding the following at the end:

''(2) Preventive care includes such drugs (including insulin, devices, supplies, and medical services or screenings prescribed for the prevention or avoidance of a disease or condition, or the regular treatment and maintenance of a disease or condition, and are determined by the Secretary, in consultation with the Secretary of Health and Human Services, to be—

(i) low in cost,

(ii) supported by medical evidence to have a high cost efficiency in preventing exacerbation of a chronic condition or the development of a secondary condition, and

(iii) likely (as documented by clinical evidence), when prescribed for a class of individuals, to prevent exacerbation of the condition or development of a secondary condition requiring significantly higher cost treatments.''.

(d) EFFECTIVE DATE.—

The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) TREASURY GUIDANCE IN EFFECT ON DATE OF ENACTMENT.—

(A) IN GENERAL.—No inference shall be drawn by reason of the amendments made by this section with respect to the effectiveness of the provisions of Internal Revenue Service Notice 2019-45 on the date of the enactment of this Act, and such notice shall continue to apply in effect on July 17, 2019, unless amended by the Secretary of the Treasury (or the Secretary’s delegate) pursuant to the amendments made by this Act or pursuant to subparagraph (B).

(B) CONTINUED PUBLICATION AND UPDATE OF LIST.—(i) IN GENERAL.—The Secretary of the Treasury (or the Secretary’s delegate) may publish, and update from time to time as such Secretary (or delegate) deems appropriate, a list of the drugs, devices, supplies, and services identified under section 223(c)(2)(C)(i) of the Internal Revenue Code of 1986, in consultation with the Secretary of Health and Human Services (or such Secretary’s delegate), as preventive care.

(ii) INCLUSION OF CERTAIN DIABETIC SUPPLIES.—As soon as practicable after the date of the enactment of this Act, the list in effect under Internal Revenue Service Notice 2019-45 shall be amended to include insulin delivery devices and related supplies, and continuous glucose monitoring systems and related supplies.

PART 4—OTHER PROVISIONS

SEC. 11301. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’) shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services in preparing for the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The public meeting shall include representatives of relevant Federal agencies, including representatives from each of the medical product centers within the Food and Drug Administration and representatives from the Centers for Medicare & Medicaid Services;
(ii) stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products;
(iii) representatives of commercial health insurance payers;
(iv) stakeholders with expertise in the administration and use of novel medical products, insurance plans and;
(v) stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting shall include a discussion of:

(1) the status of the drug and medical device development pipeline related to the availability of novel medical products;
(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;
(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps, if any;
(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act (42 U.S.C. 1395y(b)(1)(A)) of such Act (42 U.S.C. 1395y(a)(1));
(v) the availability of information for sponsors of such novel medical products to meet each of those requirements; and
(vi) the coordination of information related to significant clinical improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—No information discussed as a part of the public meeting under this paragraph shall be construed as authorizing the Secretary to disclose any information that is a trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code.

(E) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled “National Coverage Determinations with Data Collection as a Condition of Coverage: Coverage with Evidence Development” to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of paragraph (1)(C).

(B) DRAFT GUIDANCE.—Not later than 12 months after issuing draft guidance under subparagraph (A), the Secretary shall finalize the updated guidance to address any such opportunities.

(F) REPORT ON CODING, COVERAGE, AND PAYMENT PROCESSES UNDER MEDICARE FOR NOVEL MEDICAL PRODUCTS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall publish a report on the Internet website of the Department of Health and Human Services regarding processes of the Secretaries of the Centers for Medicare & Medicaid Services and the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) with respect to coding, coverage, payment processes of novel medical products described in subsection (c). Such report shall include the following:

(1) A description of challenges in the coding, coverage, and payment processes for the Medicare program for novel medical products.

(2) Recommendations to—

(A) incorporate patient experience data (such as the impact of a disease or condition on the lives of patients and patient treatment experiences) and determinations under the Medicare program (as those terms are defined in subparagraph (A) and (B), respectively, of section 1862(a)(6) of the Social Security Act (42 U.S.C. 1395w–1(6)));

(B) streamline the coverage process under the Medicare program and incorporate input from relevant stakeholders into such coverage determinations;

(C) identify potential mechanisms to incorporate novel payment designs similar to those in development in commercial insurance plans and plans under title XIX of such Act (42 U.S.C. 1396 et seq.) into the Medicare program.

(F) REPORT ON MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH MEDICAL PRODUCTS.—

SEC. 11302. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission in this section referred to as the “Commission”) shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) to part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such part B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals;

(2) the feasibility and policy implications of shifting coverage of drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2024, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a).

(2) CONTENTS.—The report under paragraph (1) shall include information, and recommendations to the Commission as deemed appropriate, regarding—

(A) formulation design under such part D;

(B) the ability of the benefit structure under such part D to control spending on drugs and biologicals for which payment is currently made under such part B;

(C) changes to the bid process under such part D, if any, that may be necessary to integrate coverage of such drugs and biologicals into such part D.

(D) any other changes to the program that Congress should consider in determining whether to shift coverage of such drugs and biologicals from such part B to such part D.

(E) the feasibility and policy implications of creating a methodology to preserve the Medicare program’s ability to take title of the drug, including a methodology under which—

(i) prescription drug plans negotiate rebilling rates and other arrangements with drug manufacturers on behalf of a wholesaler;

(ii) wholesalers purchase the drugs from the manufacturer at the negotiated rate and ship them through distributors to physicians to administer to patients;

(iii) physicians and hospitals purchase the drug from the wholesaler via the drug manufacturer;

(iv) after administering the drug, the physician submits a claim to the MAC for their drug administration fee;

(v) before reimbursing the purchase of the drug from the distributor, the physician furnishes the claim for the drug itself to the wholesaler and the wholesaler would refund them the cost of the drug to the wholesaler;

(vi) the wholesaler passes this claim to the PDP to receive reimbursement.

SEC. 11304. AUTHORITY TO REQUIRE THAT DIRECT-TO-CONSUMER ADVERTISEMENTS FOR PRESCRIPTION DRUGS AND BIOLOGICAL PRODUCTS INCLUDE TRUTHFUL AND NON-MISLEADING PRICING INFORMATION.

(a) IN GENERAL.—The Secretary may require that direct-to-consumer advertisement for a prescription drug or biological product for which payment is available under title XIX or XIX includes an internet website that addresses the appropriate disclosure of truthful and non-misleading pricing information with respect to the drug or product.

(b) DETERMINATION BY CMS.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall determine the requirement under subsection (a), such as the forms of advertising, the manner of disclosure, the price point listing, and the price information for disclosure.

SEC. 11305. CHIEF PHARMACEUTICAL NEGOTIATOR AT THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—Section 1H of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (1)(A), by striking “and one Chief Innovation and Intellectual Property Negotiator” and inserting “the Chief Innovation and Intellectual Property Negotiator, one Chief Intellectual Property Negotiator, and Chief Pharmaceutical Negotiator”;

(2) by striking “or the Chief Innovation and Intellectual Property Negotiator” and inserting “the Chief Innovation and Intellectual Property Negotiator, or the Chief Pharmaceutical Negotiator”; and

(3) by striking “and the Chief Innovation and Intellectual Property Negotiator” and inserting “the Chief Innovation and Intellectual Property Negotiator, and the Chief Pharmaceutical Negotiator”.

(b) By inserting “and the Chief” before “Chief Innovation and Intellectual Property Negotiator” and the Chief Pharmaceutical Negotiator”.
“(7) The principal function of the Chief Pharmaceutical Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States pharmaceutical services. The Chief Pharmaceutical Negotiator shall perform such other functions as the United States Trade Representative may direct.’’.

(Compensation.—Section 5314 of title 5, United States Code, is amended by striking ‘Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.’ and inserting the following:

‘Chief Pharmaceutical Negotiator, Office of the United States Trade Representative.’.

(c) Report Required.—Not later than the date that is one year after the appointment of the first Chief Pharmaceutical Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) the extent to which the United States Trade Representative has addressed any possible influx of imports, as defined in such order of suspension, related to the termination of such order.

(2) the manufacture of any other drugs at maximum fair price, and the sale of any other drugs at maximum fair price, as defined by the Secretary of Homeland Security, Office of the United States Trade Representative, specifically, not later than 60 days after the date on which such plan is submitted to such committees.

SA 5481. Mr. BARRASSO (for himself and Mr. MARSCHALL) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 1 of title B of title I, add the following:

SEC. 11005. REBATE BY MANUFACTURERS FOR SELECTED DRUGS AND BIOLOGICAL SUBJECT TO MAXIMUM FAIR PRICE NEGOTIATION.

(a) Maintaining Payments Under Part B Based on ASP+6.—Section 11001(b)(1) of this Act is amended by striking subparagraph (A) and inserting the following:

‘‘(A) SECRETORIAL PROVISION OF INFORMATION.—Not later than 6 months after the end of each calendar quarter beginning on or after the first day of the price applicability period, the Secretary shall, for each selected drug (as defined in section 1192(c)) of a manufacturer with an agreement under subparagraph (A) of section 1191(c)(2) applicable for such drug and calendar quarter, less the ASP+6 coinsurance amount for such drug and calendar quarter, exceed

(b) Rebate by Manufacturers for Selected Drugs and Biologicals Subject to Maximum Fair Price Negotiation.—

(B) ASP+6 Payment Amount.—The ASP+6 payment amount (as defined in paragraph (5)) for such drug and calendar quarter shall be applied as a percentage, as determined by the Secretary, to the payment amount that would otherwise apply under subsection (b)(2).

(B) clarification regarding application of inflation rebate.—If a rebate is required under subsection (i) with respect to a selected drug for a calendar quarter, the amount of the coinsurance required under subparagraph (A) or the coinsurance computed under subsection (i)(5) shall apply for such drug and calendar quarter.

(3) Rebate deposits.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

(4) Civil money penalty.—The civil money penalty established under paragraph (4) of subsection (b) shall apply to the failure to comply with this subsection in the same manner as such penalty applies to failures to comply with the requirements under paragraph (1)(B) of subsection (i).

(5) Definitions.—In this subsection, with respect to a selected drug for a calendar quarter during a price applicability period:

(B) ASP+6 coinsurance amount’ is equal to 20 percent of the ASP+6 payment amount.

(B) MFP+6 payment amount’ is equal to 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug during such calendar quarter.

(C) MFP+6 coinsurance amount’ is equal to 20 percent of the MFP+6 payment amount.

(D) MFP+6 payment amount’ is equal to 106 percent of the maximum fair price (as defined in section 1191(c)(2)) applicable for such drug during such calendar quarter.

(E) clarification.—Nothing in part E of title XI or this subsection shall be construed to require a manufacturer to provide selected drugs at maximum fair price, other than through the rebate required under this subsection.

(2) Amounts payable, cost sharing.—Section 11001(b)(1) of the bill H.R. 5376, as enacted by section 11211(a)), is amended—
(A) in subparagraph (G), by striking “subsection (i)” and inserting “paragraphs (9) and (10) of subsection (i)”;

(B) in subparagraph (S), by striking “subsection (E)” and inserting “subparagraphs (EE) and (FF)”;

(C) by striking “and (EE)” and inserting “(EE)”;

(D) inserting before the semicolon at the end the following new paragraph:

“(10) In the case of a selected drug (as defined in section 1192(c)), subject to a rebate under section 1847A(j) for which payment under this subsection is not packaged into a payment for a service furnished on or after the initial price applicability year for the selected drug, the payment amount described in section 1847A(b)(1)(B) and subsection (a) apply under section 1847A(b)(1)(B), as applicable.”

SA 5482. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER; as ordered to the floor by Mr. H. R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of part 5 of title II of title I, add the following new subparagraphs:

“(A) by striking “or” and inserting “and”;

(B) by striking “(B) by paying rebates in accordance with section 1847A(j)” and inserting “(B) by paying rebates in accordance with section 1847A(j)(10)”;

(C) by striking “subsection (i)” and inserting “subsection (j)”;

(D) by striking “or section 1847A(b)(1)(B)” and, as applicable.

SA 5483. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER; as ordered to the floor by Mr. H. R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

Subtitle E—Additional Proscription Drug Provisions

PART A—Part B

SEC. 14001. INCLUSION OF VALUE OF COUPONS IN DETERMINATION OF COST-SHARING

SA 1847A(c) of the Social Security Act (42 U.S.C. 1395w–3a(c)) is amended—

(1) in paragraph (4) by striking “discounts.”—In calculating and inserting “discounts to purchasers and coupons provided to privately insured individuals.”

(2) by adding the end the following new subparagraph:

“(B) COUPONS PROVIDED TO REDUCE COST-SHARING.—For calendar quarters beginning on or after July 1, 2024, in calculating the manufacturer’s average sales price under this subsection, such price shall include the value (as defined in paragraph (6)(J)) of any coupons provided under a drug coupon program of a manufacturer (as those terms are defined in subparagraph (L)), respectively, of paragraph (6)).”; and

SEC. 14002. IMPROVEMENTS TO MEDICARE SITE-OF-SERVICE TRANSPARENCY

Provisions

At the end of title I, insert the following:

At the end of title I, insert the following:
SEC. 14004. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.

(a) In General.—Section 1487A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding paragraph (A), by striking "paragraph (7)" and inserting "paragraphs (7) and (9)"; and

(B) by adding at the end the following new paragraph:

"(9) MAXIMUM ADD-ON PAYMENT.—

(A) IN GENERAL.—In determining the payment amount under the provisions of subparagraph (A), (B), or (C) of paragraph (1) of this subsection, subsection (c)(4)(A)(ii), or subparagraph (B) or (C) of subsection (d) or subsection (e) of section 1848 of the Social Security Act, the amount otherwise determined for the drug or biological, then the payment amount otherwise determined for the drug or biological under those provisions, as applicable, shall be reduced by the amount of such excess.

(B) APPLICABLE ADD-ON PAYMENT DEFINED.—In this paragraph, the term "applicable add-on payment" means the following:

(1) in the case of a multiple source drug, an amount equal to the difference between—

(I) the amount that would otherwise be applied under paragraph (1)(A); and

(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

(2) in the case of a single source drug or biological, an amount equal to the difference between—

(I) the amount that would otherwise be applied under such paragraph; and

(II) the amount that would be applied under such paragraph if '100 percent' were substituted for '106 percent'.

(3) in the case of a biosimilar biological product, the amount otherwise determined under paragraph (b)(2).

(4) in the case of a drug or biological during the initial period described in subsection (c), an amount equal to the difference between—

(I) the amount that would otherwise be applied under such subsection; and

(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

(aa) '105 percent' in clause (I) of such subsection; or

(bb) any percent in excess of 100 percent applied under clause (II) of such subsection.

(v) in the case of a drug or biological to which subsection (d)(3)(C) applies, an amount equal to the difference between—

(I) the amount that would otherwise be applied under such subsection; and

(II) the amount that would be applied under such subsection if '100 percent' were substituted, as applicable, for—

(aa) any percent in excess of 100 percent applied under clause (I) of such subsection; or

(bb) '105 percent' in clause (I) of such subsection.

(C) MAXIMUM ADD-ON PAYMENT AMOUNT SPECIFIED.—For purposes of subparagraph (A), the maximum add-on payment amount specified in this subparagraph is—

(1) for each of 2024 through 2031, $1,000; and

(2) for a subsequent year, the amount specified in this subparagraph for the preceding year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year. Amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10.; and

(b) CONFORMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—(1) OPPS.—Section 1383(c)(14) of the Social Security Act (42 U.S.C. 1395t(c)(14)) is amended—

(A) in subparagraph (A)(ii)(II), by inserting "and" before "subject to paragraph (1)" after "are not available"; and

(B) by adding at the end the following new subparagraph:

"(1) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under such system in the same manner as specified covered outpatient drug that is furnished as part of a covered OPD service (or group of services) on or after January 1, 2024, if such payment is determined based on the average price for the year prior to the beginning date under section 1847A pursuant to subsection (a), the maximum add-on payment amount established by the Secretary with respect to such drug or biological shall be reduced (or increased, as applicable) by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year after subtracting the amount of payment so established in the same manner as such provisions apply to the amount of payment under section 1847A.."

(2) ASC.—Section 1383(c)(2)(D) of the Social Security Act (42 U.S.C. 1395l(c)(2)(D)) is amended—

(A) by moving clause (v) 6 ems to the left; and

(B) by redesignating clause (vii) as clause (viii); and

(C) by inserting after clause (vii) the following new clause:

"(vii) if there is a separate payment under the system described in clause (i) for a drug or biological furnished on or after January 1, 2024, the provisions of subsection (b)(9) of section 1847A shall apply to the amount of payment for the drug or biological in which such payments apply to the establishment of the amount of payment under subsection (b)(9)."

SEC. 14005. TREATMENT OF DRUG ADMINISTRATION SERVICES FURNISHED BY CERTAIN EXCEPTED OFF-CAMPUS OUT-PATIENT DEPARTMENTS OF A PROVIDER.

Section 1383(c)(16) of the Social Security Act (42 U.S.C. 1395l(c)(16)) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL PAYMENT RULE FOR DRUG ADMINISTRATION SERVICES FURNISHED BY AN EXCEPTED DEPARTMENT OF A PROVIDER.—

(i) IN GENERAL.—In the case of a covered OPD service that is a drug administration service (as defined by the Secretary) furnished by a department of a provider described in clause (ii) or of paragraph (2) of section 1833(b), the payment amount for the service furnished on or after January 1, 2024, shall be the same payment amount (as determined in paragraph (2)(C)) that would apply if the drug administration service was furnished by an off-campus outpatient department of a provider (as defined in paragraph (2)(B)).

(ii) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The reductions made under this subparagraph—

(1) shall not be considered an adjustment under paragraph (2)(E); and

(2) shall not be implemented in a budget neutral manner.

SEC. 14006. GAO STUDY AND REPORT ON AVERAGE SALES PRICE.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the "Inspector General") shall conduct a study on the effect of the methodology for determining average sales price pursuant to the methodology described in paragraph (4) of section 1848 of the Social Security Act (42 U.S.C. 1395l(t)(14)). Such study shall include an analysis of—

(1) the various types of entities that enter into contract arrangements that use bona fide service fees; and

(2) the types of services that are paid for through such arrangements;

(b) REQUIREMENT FOR REPORT.—In general, the Inspector General shall submit the report required by this section to the Congress not later than 6 months after the enactment of this Act.
to as the “Comptroller General”) shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

(2) Applicable drugs defined.—In this section, the term “applicable drugs” means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less that 25 drugs or biologicals).

(3) Requirements.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payment by private payers in the commercial market.

(C) The extent to which drug manufacturers provide rebates, discounts, or other price concessions to payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers providing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 14007. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL SHORTAGES.

(a) In General.—Section 1877A(e) of the Social Security Act (42 U.S.C. 1395w–3a(e)) is amended—

(1) in the first sentence—

(ii) by striking “PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY. In the case” and inserting “PAYMENTS.—

“(1) IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case”;

and

(2) by adding at the end the following new paragraph:

“(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

“(A) IN GENERAL.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost (or other reasonable measure of a drug or biological price) instead of the manufacturer’s average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list maintained by the Food and Drug Administration pursuant to section 560E of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

“(B) DRUG OR BIOLOGICAL DESCRIBED.—For the purposes of this paragraph, a drug or biological is described in this subparagraph if—

(i) is described in section 506c(a) of such Act;

(ii) is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

(iii) that is likely to lead to a meaningful disruption in the manufacturer’s supply of that drug pursuant to section 506c(a) of such Act; or

(iv) the effect of drug shortages on Medicare beneficiaries access, quality, safety, and out-of-pocket costs;

(2) in subparagraph (B) through (D) of section 14001—

(i) in subparagraph (B) ;

(ii) in subparagraph (C) ;

(iii) in subparagraph (D) ;

and

(iv) BARRESSES TO DRUG MANUFACTURERS PROVIDING SUCH PRICE CONCESSIONS.—

The Secretary shall consult with the drug shortage task force authorized under section 506c(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subpart B—Part D

SEC. 14101. REQUIRING PHARMACY-NEGOTIATED PRICE COMMISSION, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) is amended—

(1) by striking “PRICES.—For purposes” and inserting “PRICES.—

“(1) IN GENERAL.—For purposes”;

and

(2) by adding at the end the following new clause:

“(ii) PRICES NEGOTIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2024, a negotiated price for a covered part D drug described in clause (i) shall be the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall not include positive incentive payments paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale.

SEC. 14102. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVIDIONS.


(1) IN GENERAL.—Section 1190A of the Social Security Act (42 U.S.C. 1320b–23) is amended—

(A) in subsection (c), in the matter preceding paragraph (1), by striking “this section” and inserting ‘‘subsection (b)(1)’’; and

(B) by adding at the end the following new subsection:

“(c) Public Availability of Certain Information.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), in order to allow patients and employers to compare PBMs’ ability to negotiate rebates, discounts, and price concessions and the amount of such rebates, discounts, and price concessions that are passed through to plan sponsors, not later than July 1, 2024, the Secretary shall make available on the Internet website of the Department of Health and Human Services the information provided to the Secretary and described in paragraphs (2) and (3) of subsection (b) with respect to each PBM.

“(2) DATA.—The information made available in a plan year under paragraph (1) shall not include information with respect to such plan year or the two preceding plan years.

“(3) CONFIDENTIALITY.—The Secretary shall ensure that such information is displayed in a manner that prevents the disclosure of information about rebates, discounts, and price concessions with respect to an individual drug or an individual PDP sponsor. MA organization, or qualified health benefits plan.’’.}

(b) Plan Audit of Pharmacy Benefit Manager (PBM) Provisions.

Sec. 14002. Medicare and Medicaid Innovation Center.
(enumerate)(i) by striking “AUDITS.—To protect” and inserting the following: “AUDITS.—
(A) AUDITS OF PLANS BY THE SECRETARY.—
To protect’’; and
(ii) adding at the end the following new subparagraph:
(B) AUDITS OF PHARMACY BENEFIT MAN-
gerers by PDP Sponsors and MA ORGANIZA-
tions.—
(i) IN GENERAL.—Beginning January 1, 2024, in order to ensure that—
(I) contracting terms between a PDP sponsor or MA organization and a phar-
macist related to the net cost of covered part D drugs, including direct and indirect remu-
eration from drug manufacturers and phar-
cacies or provided to pharmacies.
(II) the PDP sponsor and MA organization can account for the cost of each covered part D drug net of all direct and indirect remu-
eration: the PDP sponsor or MA organization shall conduct financial audits.
(ii) INDEPENDENT THIRD PARTY.—An audit described in clause (i) shall—
(I) be conducted by an independent third party; and
(II) account and reconcile flows of funds that account for the net cost of covered part D drugs, including direct and indirect remu-
eration from drug manufacturers and phar-
cacies or provided to pharmacies.
(iii) INDEPENDENT REVIEW.—A PDP spon-
or and MA organization shall require pharmacy benefit managers to make rebate contractors with drug manufacturers made on their behalf available under audits described in clause (i).
(iv) CONFIDENTIALITY AGREEMENTS.—Au-
dits described in clause (i) shall be subject to confidentiality agreements to prevent, ex-
ccept as required under clause (vii), the re-
disclosure of data transmitted under the audit.
(v) FREQUENCY.—A financial audit under clause (i) shall be conducted periodically (but in no case less frequently than once every 2 years).
(vi) TIMEFRAME FOR PBM TO PROVIDE IN-
FORMATION.—A PDP sponsor and an MA or-
ganization shall require that a pharmacy ben-
efit manager that is being audited under clause (i) provide (as part of their con-
tracting agreement) the requested informa-
tion to the independent third party con-
ducting the audit within 45 days of the date of the request.
(vii) SUBMISSION OF AUDIT REPORTS TO THE SEC-
RETARY.—The Secretary shall review final reports submitted under clause (i) to determine the extent to which the goals specified in subclauses (I) and (II) of subparagraph (A) are met.
(III) CONFIDENTIALITY.—Notwithstanding any other provision of law, information dis-
closed in a report submitted under clause (i) related to the net cost of a covered part D drug is confidential and shall not be dis-
closed by the Secretary or a Medicare con-
tactor.
(viii) NOTICE OF NONCOMPLIANCE.—A PDP sponsor and an MA organization shall notify the Secretary if any pharmacy benefit man-
er is not complying with requests for ac-
cess to information required under an audit under clause (i).
(ix) CIVIL MONETARY PENALTIES.—
(I) IN GENERAL.—Subject to subclause (II), if the Secretary determines that a PDP spon-
or or an MA organization has failed to con-
duct an audit under clause (i), the Secretary
may impose a civil monetary penalty of not more than $10,000 for each day of such non-
compliance.
(II) PROCEDURE.—The provisions of sec-
tion 1128A other than subsections (a) and (b) and the first sentence of subsection (c) of such section, shall apply to civil monetary penalties under this clause in the same man-
er as such penalties under section 1128A.‘‘;
(c) DISCLOSURE TO PHARMACY OF POST-
POINT-OF-SALE PHARMACY PRICE CONCESSIONS AND INCENTIVE PAYMENTS.—Section 1860D-
2(d)(2) of the Social Security Act (42 U.S.C. 1395w–2(d)(2)) is amended—
(I) by striking.—A PDP spon-
or and inserting the following: ‘‘DISCLOS-
URE.—
(A) TO THE SECRETARY.—A PDP sponsor’’; and
(II) by adding at the end the following new subparagraph:
(B) TO PHARMACIES.—
(i) IN GENERAL.—For plan year 2024 and subsequent plan years, a PDP sponsor offer-
ing a prescription drug plan and an MA or-
ganization offering an MA–PD plan shall report any pharmacy price concession or incentive payment that occurs with respect to a phar-
macy after payment for covered part D drugs under clause (i) by an inter-
mediary organization with which a PDP spon-
or or MA organization has contracted, to the pharmacy.
(ii) TIMELINESS.—The reporting of price con-
cessions and incentive payments to a phar-
macy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).
(iii) CLAIM LEVEL.—The reporting of price con-
cessions and incentive payments to a phar-
macy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive pay-
ment was applied at a level other than the claim level.‘‘;
(d) DISCLOSURE OF P&T COMMITTEE CON-
FLICTS OF INTEREST.—
(1) IN GENERAL.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–
104(b)(3)(A)) is amended by adding at the end the following new clause:
(II) DISCLOSURE OF CONFLICTS OF INTER-
EST.—With respect to plan year 2024 and sub-
sequent plan years, a PDP sponsor of a pre-
scription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organiza-
tion pursuant to this paragraph.’’;
(2) INCLUSION IN HIB.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–
111(b)(2)) is amended by—
(A) by redesignating subparagraph (F) as subparagraph (G); and
(B) by inserting after subparagraph (G) the following new subparagraph:
(‘‘P&T’’ COMMITTEE CONFLICTS OF INTER-
EST.—The information required to be dis-
closed under section 1860D–2(b)(3)(A)(i), ‘‘INFORMATION ON DIRECT AND INDIRECT REMU-
ERATION REQUIRED TO BE INCLUDED IN BID.—Section 1860D–11(b) of the Social Secu-
sity Act (42 U.S.C. 1395w–111(b)) is amended—
(1) in paragraph (1), by adding at the end the following new sentence: ‘‘With respect to actual amounts of direct and indirect remu-
eration submitted pursuant to clause (v) of paragraph (2), such amounts shall be con-
sistent with data reported to the Secretary in a prior year.’’; and
(2) in paragraph (2)(C)—
(A) in clause (iii), by striking ‘‘and’’ at the end;
(b) in clause (iv), by striking the period at the end and inserting the following: ‘‘; and, with respect to plan year 2024 and subsequent plan years, actual and projected administra-
tive expenses, and any pharmacy price concessions or incentive payment that occurs with respect to a pharma-
cy after payment for covered part D drugs under clause (i) by an intermediary organization with which a PDP spon-
or or MA organization has contracted, to the pharmacy.
(i) Inclusion in HIB.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by
inserting the following: ‘‘AUDITS.—
A PDP sponsor and an MA organization shall require pharmacy benefit managers to make rebate contractors with drug manufacturers made on their behalf available under audits described in clause (i).
(iv) Timeliness.—The reporting of price con-
cessions and incentive payments to a phar-
macy under clause (i) shall be made on a periodic basis (but in no case less frequently than annually).
(iii) Claim Level.—The reporting of price con-
cessions and incentive payments to a phar-
macy under clause (i) shall be at the claim level or approximated at the claim level if the price concession or incentive pay-
ment was applied at a level other than the claim level.
(d) Disclosure of P&T Committee Conflicts of Interest.—
(1) In General.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)(A)) is amended by adding at the end the following new clause:
(II) Disclosure of Conflicts of Interest.—With respect to plan year 2024 and sub-
sequent plan years, a PDP sponsor of a pres-
scription drug plan and an MA organization offering an MA–PD plan shall, as part of its bid submission under section 1860D–11(b), provide the Secretary with a completed statement of financial conflicts of interest, including with manufacturers, from each member of any pharmacy and therapeutic committee used by the sponsor or organization pursuant to this paragraph.
(2) Inclusion in HIB.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w–111(b)(2)) is amended by—
(A) by redesignating subparagraph (F) as subparagraph (G); and
(B) by inserting after subparagraph (G) the following new subparagraph:
(P&T) Committee Conflicts of Interest.—The information required to be dis-
closed under section 1860D–2(b)(3)(A)(i), ‘‘Information on Direct and Indirect Remu-
eration Required to Be Included in Bid.—Section 1860D–11(b) of the Social Secu-
rity Act (42 U.S.C. 1395w–111(b)) is amended—
(1) in paragraph (1), by adding at the end the following new sentence: ‘‘With respect to actual amounts of direct and indirect remu-
eration submitted pursuant to clause (v) of paragraph (2), such amounts shall be con-
sistent with data reported to the Secretary in a prior year.’’; and
(2) in paragraph (2)(C)—
(A) in clause (iii), by striking ‘‘and’’ at the end;
SEC. 14105. PROHIBITING BRANDING ON PART D BENEFIT CARDS.

(a) In General.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking “co-branded network provider” and inserting “co-branded, co-owned, or affiliated network provider, pharmacy, or pharmacy benefit manager.”

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 14106. REQUIRING PRESCRIPTION DRUG PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

“(p) REPORTING POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.—

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by this Act, is amended by adding at the end the following new paragraph:

“(B) in subparagraph (C)(i), by striking “To" and inserting “DE-

SEC. 14107. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE PART D.

Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as amended by this Act, is amended by adding at the end the following new paragraph:

“(B) APPLlcATION OF PHARMACY QUALITY MEASURES.—

(A) in General.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

(i) established or adopted by the Sec-

(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

(B) STANDARD PHARMACY QUALITY MEASURES.—

(i) In General.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of incentive payments or price concessions with respect to covered part D drugs.

(ii) Maintenance of List.—The Secretary shall maintain a single list of measures established or adopted under this subparagraph.

(C) Effective Date.—The requirement under subparagraph (B) shall take effect for plan years beginning on January 1, 2024, or such earlier date specified by the Secretary.

(D) Technical Correction.—Such paragraph (B) is redesignated as paragraph (7).

SEC. 14108. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) In General.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395z–10(o)(4)) is amended by adding at the end the following new subparagraph:

“(E) ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS.—

(i) General.—For 2028 and subsequent years, the Secretary shall add a new set of measures to the 5-star rating system based on access to biosimilar biological products covered under part D and, in the case of MA-PD plans, such products that are covered part D drugs. Such measures shall assess the impact a plan’s benefit structure may have on enrollees’ utilization of or ability to access biosimilar biological products, including in comparison to the reference biological product, and shall include measures, as applicable, with respect to the following:

(1) COVERAGE.—Assessing whether a bio-

(ii) Utilization Management Tools.—

(1) Comparing the percentage of enrollees prescribed the biosimilar biological product and the percentage of enrollees prescribed the reference biological product when the reference biological product is also on the plan formulary.

(2) Comfort .—The term “biosimilar biological product” and “reference biological product” have the mean-

(3) PROTECTING PATIENT INTERESTS.—In developing such measures, the Secretary shall ensure that each measure developed to address coverage, preferencing, or utilization management is constructed such that patients retain access to appropriate therapeu-

(b) Clarification Regarding Application to Prescription Drug Plans.—To the extent the Secretary of Health and Human Services applies the 5-star rating system section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395z–10(o)(4)), or a similar system, to prescription drug plans under part D of title XVIII of such Act, the provi-

(c) Technical Correction.—Such paragraph (E) of such section, as added by subsection (a) of this section, shall apply under the system with respect to such plans in the same manner as such provisions apply to the 5-star rating system under section 1853(o)(4).

SEC. 14109. FAIRNESS IN THE CALCULATION OF THE PART D PREMIUM.

(a) In General.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)(a)) is amended—

(1) in paragraph (3)(A), by striking “25.5 percent” and inserting “the applicable percent (as specified in paragraph (B));” and

(2) by adding at the end the following new paragraph:

“(B) APPLICABLE PERCENT.—For purposes of paragraph (3)(A), the applicable percent specified in this paragraph is—

(A) for years prior to 2024, 25.5 percent; and

(B) for 2024 and subsequent years, 24.5 percent.

(2) Conforming Amendments.—

(1) Subsidy.—Section 1860D–15(a) of the Social Security Act (42 U.S.C. 1395w–115(a)) is
amended, in the matter preceding paragraph (1), by inserting "(or, for 2022 and subsequent years, 75.5 percent)" after "74.5 percent".

(2) Fallback area monthly beneficiary premium: 12950–13a(a)/(9)(b)(ii)(D)(II) is amended by striking "25.5 percent" and inserting "the applicable percent (as specified in section 1860D–3(a))".

(3) Income-related monthly adjustment amount: 1860D–3(a)(7)(B)(vi)(II) is amended by striking "25.5 percent" and inserting "the applicable percent (as specified in paragraph (8))."

SEC. 14110. IHS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services for health care providers who prescribe the manufacturer's drugs and biologicals, including—

(A) the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer's drugs and biologicals, including—

(ii) Federal laws affecting these pharmaceutical manufacturer distribution models; and

(iii) whether hub services could improperly incentivize health care providers to deem a drug or biological as medically necessary under section 233.578 of title 42, Code of Federal Regulations.

(B) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than July 1, 2024, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subpart C—Miscellaneous

SEC. 14201. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1228 the following new section:

"SEC. 1228a. DRUG MANUFACTURER PRICE TRANSPARENCY.

"(a) IN GENERAL.—

"(1) DETERMINATIONS.—Beginning July 1, 2024, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

"(2) REQUIRED JUSTIFICATION.—If the Secretary makes a determination under paragraph (1) that an applicable drug is described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in subsection (c)."

"(b) APPLICABLE DRUG DESCRIBED.—

"(1) IN GENERAL.—An applicable drug is described in this subsection if it meets any of the following at the time of the determination:

"(A) LARGE INCREASE.—The drug (per dose):

(i) has a wholesale acquisition cost of at least $500 per dose; or

(ii) had an increase in the wholesale acquisition cost, with respect to determinations made—

(I) during 2022, of at least 15 percent since the date of the enactment of this section; and

(II) during 2023, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 24 months; or

(III) during 2024, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 24 months; or

(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 24 months; or

(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

"(B) HIGH LAUNCH PRICE.—The drug:

(i) was in the top 50th percentile of net spending under title XVIII or XIX (to the extent data is available) during any 12-month period in the preceding 60 months; and

(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

(I) during 2022, of at least 15 percent since the date of the enactment of this section; and

(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 20 percent in the preceding 24 months; and

(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 36 months; and

(IV) during 2025, of at least 15 percent in the preceding 12 months or of at least 40 percent in the preceding 48 months; or

(V) on or after January 1, 2026, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 60 months.

"(C) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after January 1, 2022, the drug:

(i) has a wholesale acquisition cost for a year's supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at the annual out-of-pocket threshold under section 1860D–15(b)(4)(B) or (4)(D) by at least $10.

"(D) OTHER DRUGS.—For purposes of applying paragraph (1), the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph a percentage within a de minimis range specified by the Secretary below the percentage so described.

"(E) DRUGS WITH HIGH LAUNCH PRICES ANNUALLY.—The Secretary shall annually report the justification under subsection (c)(2) until the Secretary determines that there is a therapeutic equivalent (as defined in section 14201a(d)(6)) of a drug, or a therapeutic equivalent of such drug (A) that is not marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost on or after January 1, 2022; or (B) that is marketed for the first time on or after January 1, 2022, and for which the manufacturer has established the first wholesale acquisition cost before the date of the enactment of this section.

"(F) RIGHT TO INSURANCE.—Not later than 30 days after receiving the report required under paragraph (1), the Secretary shall submit to Congress the justification required under subsection (c)(2) with respect to each applicable drug of the manufacturer; and

"(G) REPORT TO SECRETARY.—The Secretary shall notify the manufacturer of the applicability of this section to the drug referred to in paragraph (1) at the time of the determination that a drug is an applicable drug of such determination.

"(2) REPORT TO CONGRESS.—For purposes of paragraph (1), the Secretary shall establish a definition of the term 'dose'.

"(3) JUSTIFICATION REQUIRED.—

"(a) IN GENERAL.—The Secretary shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives the justification described in paragraph (1) if the Secretary determines that a drug is included under this section.

"(b) REPORT.—Not later than 30 days after receipt of a notification under paragraph (1), the Secretary shall submit to Congress the justification described in paragraph (1) and the justification under subsection (c) for such drug.

"(4) REPORT TO CONGRESS.—Not later than 30 days after the date on which a manufacturer receives a notification under paragraph (1), the manufacturer shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives the justification required under subsection (a).

"(5) POSTING ON INTERNET WEBSITE.—

"(a) IN GENERAL.—Subject to subparagraph (B), within 30 days after receiving the notification described in paragraph (1), the Secretary shall post on the Internet website of...
the Centers for Medicare & Medicaid Ser-
ices the justification, together with a sum-
mary of such justification that is written
and formatted using language that is easily
understood and is available by beneficiaries
titles XVIII and XIX.

“(B) Exclusion of proprietary infor-
mation.—The Secretary shall exclude pro-
netary information as made accessible to
the public as trade secrets or intellectual
property, submitted by the manufac-
turer in the justification under para-
graph (2) from the posting described in
subsection (b)(1).

“(e) Exception to requirement for sub-
mission.—In the case of a drug that the Sec-
tary determines is an applicable drug de-
scribed in such subparagraph (A) or (B) for
which data is available, the requirement to
submit a justification under subsection (a) shall not
apply where the manufacturer, after receiv-
ing the notification under subsection (a)(1) with respect to the applicable drug of the
manufacturer, reduces the wholesale acquisi-
tion cost of a drug so that it no longer is de-
scribed in such subparagraph (A) or (B) for at
least a 4-month period, as determined by the
Secretary.

“(f) Penalties.—

“(1) Failure to submit timely justifica-
tion.—If the Secretary determines that a
manufacturer has failed to submit a jus-
tification as required under this section, in-
cluding in accordance with the timing and
form required, with respect to an applicable
drug, the Secretary shall apply a civil mone-
etary penalty in an amount of $10,000 for each
day the manufacturer has failed to submit
such justification as so required.

“(2) False information.—Any manufac-
turer that submits a justification under this section that contains false information
in such justification is subject to a civil mone-
etary penalty in an amount not to exceed
$100,000 for each item of false infor-
mation.

“(3) Application of Procedures.—The pro-
visions of section 1128A (other than sub-
sections (a) and (b)) shall apply to a civil mone-
etary penalty under this subsection in the
same manner as such provisions apply to
a penalty or proceeding under section 1128A(a). Civil monetary penalties imposed
under this subsection are in addition to
other penalties as may be prescribed by law.

“(g) Definitions.—In this section:

“(1) Drug.—The term ‘drug’ means a drug,
as defined in section 201(g) of the Federal
Food, Drug, and Cosmetic Act, that is
intended for human use and subject to section
353(b)(1) of such Act, including a product li-
censed under section 351 of the Public Health
Service Act.

“(2) Manufacturer.—The term ‘manufac-
turer’ has the meaning given that term in
section 1871(a)(6)(A).

“(3) Wholesale acquisition cost.—The term
‘wholesale acquisition cost’ has the
meaning given that term in section 1871(a)(6)(B).

SEC. 14202. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS

Section 1135A of the Social Security Act
(42 U.S.C. 1320b-23), as amended by this Act,
is amended—

(i) in subsection (a)—

(A) in paragraph (1), by striking “(excluding bona fide” and
all that follows through “patient education programs”); and

(B) in paragraph (2), by striking “aggregate amount of” and
inserting “aggregate amount and percentage of”;

(ii) in paragraph (3), by striking “aggregate amount of” and
inserting “aggregate amount and percentage of”;

(iii) in paragraph (4), by striking “$10,000” and
inserting “$100,000”;

(iv) in paragraph (10), by striking “*” and
inserting “$100,000”;

(v) in paragraph (11), by striking “*” and
inserting “$100,000”;

(vi) in paragraphs (12) and (13), by striking “*” and
inserting “$100,000”;

(vii) in paragraph (14), by striking “*” and
inserting “$100,000”;

(viii) in paragraph (15), by striking “*” and
inserting “$100,000”;

(ix) in paragraph (16), by striking “*” and
inserting “$100,000”;

(x) in paragraph (17), by striking “*” and
inserting “$100,000”;

(xi) in paragraph (18), by striking “*” and
inserting “$100,000”;

(xii) in paragraph (19), by striking “*” and
inserting “$100,000”;

(xiii) in paragraph (20), by striking “*” and
inserting “$100,000”;

(xiv) by inserting at the end of the section the
following paragraph:

“(A) The information described in subsection (b) of
section 1320b-1(e) shall apply where the man-
ufacturer, after receiving a request from
the Inspector General, reduces the wholesale
acquisition cost of a drug so that it no longer is de-
scribed in such subparagraph (A) or (B) for at
least a 4-month period, as determined by the
Secretary.

“(B) The aggregate amount of bona fide service fees (which include distribution serv-
ice fees, inventory management fees, product
stocking allowances, and fees associated
with other consumer protection or anti-
trust laws) that the Secretary determines
are reasonable and appropriate for each
department of a PBMA shall apply to
the PBM, plan, or price charged for a drug.’’.

SEC. 14203. PRESCRIPTION DRUG PRICING DASH-
BOARDS.

Part A of title XI of the Social Security Act
is amended by adding at the end the fol-
lowing new section:

“SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARD.

“(a) In General.—Beginning not later than January 1, 2023, the Secretary shall es-
tablish, and annually update, internet
website-based dashboards, through which
beneficiaries, clinicians, researchers, and the
public can review information on spending
for, and utilization of, prescription drugs and
biologicals (and related supplies and mecha-
nisms) under benefits, coverage under parts B and D of title XVIII and under a State program under title XIX, including in-
formation on trends of such spending and
utilization over time.

“(b) Medicare Part B Drug and Biological
Dashboard.—In General.—The dashboard es-
blished under subsection (a) for part B of title
XVIII shall provide the information de-
scribed in paragraph (2).

“(1) Information described.—The infor-
mation described in this paragraph is the fol-
lowing information with respect to drug or
biologics covered under such part B:

“(A) The brand name and, if applicable, the
generic names of the drug or biological.

“(B) Consumer-friendly information on the
use and clinical indications of the drug or
biological.

“(C) The manufacturer or labeler of the
drug or biological.

“(D) To the extent feasible, the following informa-
tion:

“(i) Average total spending per dosage unit of
the drug or biological in the most recent
2 calendar years for which data is available.

“(ii) The percentage change in average
spending on the drug or biological per dosage
unit between the most recent calendar year
for which data is available and

“(III) The preceding calendar year;

“(iii) The number of beneficiaries receiving
the drug or biological in the most recent calendar
year for which data is available.

“(vi) The average sales price of the drug or bi-
ological for beneficiaries for the most recent
quarter.

“(vii) Consumer-friendly information about the
coinsurance amount for the drug or bi-
ological for beneficiaries for the most recent
quarter. Such information shall not include
coinsurance amounts for qualified medicare
beneficiaries (as defined in section 1905(p)(1)).

“(viii) The most recent calendar year for
which data is available.

“(E) The average sales price of the drug or biological (as determined under section
1320b-1 for the most recent quarter.

“(F) The average sales price of the drug or biological with the highest total spending under such part; and

“(G) The aggregate amount of spending on the drug per beneficiary for the most recent calendar
year for which data is available.

“(H) Other information (not otherwise pro-
hibited in law from being disclosed) that the
Secretary determines would provide bene-
ficiaries, clinicians, researchers, and the
public with helpful information about drug
and biological spending and utilization (in-
cluding trends of such spending and utiliza-
tion).

“(c) Medicare Covered Part D Drug
Dashboard.—

“(1) In General.—The dashboard es-
blished under subsection (a) for part D of title
XVIII shall provide the information de-
scribed in paragraph (2).

“(2) Information described.—The infor-
mation described in this paragraph is the fol-
lowing information with respect to covered
part D drugs under such part D:

“(A) The information described in subpara-
graphs (A) through (D) of subsection (b)(2).

“(B) Information on average annual bene-
ficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1396D-2(b)(4)(B) for the current plan year.

Such information shall not include

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(C) Information on how to access resources as described in sections 1860D–1(c) and 1860D–1(d).

(D) For the most recent calendar year for which data is available—

(i) the 15 covered part D drugs with the highest volume of drug spending;

(ii) any covered part D drug for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs multiplied by the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) would be met for the year.

(E) Information not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered part D drug spending and utilization (including trends of such spending and utilization).

(1) MEDICARE COVERED OUTPATIENT DRUG DASHBOARD.—

(1) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

(2) INFORMATION DISCLOSED.—The information described in paragraph (1) shall include the following information with respect to covered outpatient drugs under such title:

(A) The information described in subparagraphs (A) through (D) of subsection (b).

(B) For the most recent calendar year for which data is available, the 15 covered outpatient drugs with the highest total spending under such title.

(C) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about covered outpatient drug spending and utilization (including trends of such spending and utilization).

(2) DATA FILES.—The Secretary shall make available the underlying data for each dashboard established under subsection (a) in a machine-readable format.

SEC. 14204. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES FOR MEDICARE & MEDICAID SERVICES FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—

(1) PUBLIC MEETING.—

(A) IN GENERAL.—Not later than 12 months after the enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall convene a public meeting for the purposes of discussing and providing input on improvements to coordination between the Food and Drug Administration and the Centers for Medicare & Medicaid Services to reduce the availability of novel medical products described in subsection (c) on the market in the United States.

(B) ATTENDEES.—The Secretary shall invite the following to the public meeting:

(i) Representatives of relevant Federal agencies, including representatives from each of the product centers within the Food and Drug Administration and representatives from the coding, coverage, and payment offices of the Centers for Medicare & Medicaid Services.

(ii) Stakeholders with expertise in the research and development of novel medical products, including manufacturers of such products.

(iii) Representatives of commercial health insurance payers.

(iv) Stakeholders with expertise in the administration and use of novel medical products, including physicians.

(v) Stakeholders representing patients and with expertise in the utilization of patient experience data in medical product development.

(C) TOPICS.—The public meeting agenda shall include—

(i) an overview of the types and product categories in the drug and medical device development pipeline and the volume of products which may meet the description of a novel medical product under subsection (c);

(ii) the anticipated expertise necessary to review the safety and effectiveness of such products at the Food and Drug Administration and current gaps in such expertise, if any;

(iii) the expertise necessary to make coding, coverage, and payment decisions with respect to such products within the Centers for Medicare & Medicaid Services, and current gaps in such expertise, if any;

(iv) trends in the differences in the data necessary to determine the safety and effectiveness of a novel medical product and the data necessary to determine whether a novel medical product meets the reasonable and necessary requirements for coverage and payment under title XVIII of the Social Security Act pursuant to section 1862(a)(1)(A) of such Act (42 U.S.C. 1395y(a)(1)(A));

(v) the availability of information for sponsors of novel medical products to meet each of those requirements; and

(vi) the coordination of information related to the improvement over existing therapies for patients between the Food and Drug Administration and the Centers for Medicare & Medicaid Services with respect to novel medical products.

(D) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Nothing under this section shall be construed as authorizing the Secretary to disclose information that is a trade secret or confidential information subject to section 522(b)(4) of title 5, United States Code.

(2) IMPROVING TRANSPARENCY OF CRITERIA FOR MEDICARE COVERAGE.—

(A) DRAFT GUIDANCE.—Not later than 18 months after the public meeting under paragraph (1), the Secretary shall update the final guidance titled “National Coverage Determinations with Data Collection as a Condition of Coverage with Evidence Development” to address any opportunities to improve the availability and coordination of information as described in clauses (iv) through (vi) of subparagraph (A). The update shall assess the following:

(i) the extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(ii) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilizing of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(B) DECREASE THE LENGTH OF TIME TO MAKE LOCAL AND NATIONAL COVERAGE DETERMINATIONS UNDER THE MEDICARE PROGRAM (AS THOSE TERMS ARE DEFINED IN SUBPARAGRAPHS (A) AND (B), RESPECTIVELY) OF SECTION 1862(b)(1) OF THE SOCIAL SECURITY ACT (42 U.S.C. 1395y(b)(1));

(C) STREAMLINE THE COVERAGE PROCESS UNDER THE MEDICARE PROGRAM AND INCORPORATE INPUT FROM STAKEHOLDERS WITH EXPERTISE INTO SUCH COVERAGE DETERMINATIONS; AND

(D) IDENTIFY POTENTIAL MECHANISMS TO INCORPORATE NOVEL PAYMENT DESIGNS SIMILAR TO THOSE USED IN THE DEVELOPMENT OF INSURANCE PLANS AND STATE PLANS UNDER TITLE XIX OF SUCH ACT (42 U.S.C. 1396 et seq.) INTO THE MEDICARE PROGRAM.

(1) NOVEL MEDICAL PRODUCTS DESCRIBED.—For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 566(g) of such Act (21 U.S.C. 366(g)).

SEC. 14205. PATIENT CONSULTATION IN MEDICARE NATIONAL AND LOCAL COVERAGE DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(o)(1) of the Social Security Act (42 U.S.C. 1395w(b)(1)(A)) is amended by adding at the end the following:

“(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrator, may consult with patients, patient organizations, health care professionals, and other patients, including patients with disabilities, in making national and local coverage determinations.”.

SEC. 14206. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

The efficiency of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:
(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term “independent charity patient assistance program” means any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 509(a) of such Code).

(2) MANUFACTURER.—The term “manufacturer” has the meaning given that term in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396w–2(k)(5)).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term “manufacturer patient assistance program” means an organization, including a foundation (as defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term “patient assistance” means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Comptroller General of the United States.

SEC. 14207. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission (in this section referred to as the “Commission”) shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under part B of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary out-of-pocket liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage of such drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation as the Commission determines appropriate.

(2) CONTENTS.—The report under paragraph (1) shall include—

(A) a review of what Indian health programs, including programs established and operated by Indian tribes and tribal organizations, do to offset the cost of drugs for individuals; and

(B) a review of what Indian health programs, including programs established and operated by Indian tribes and tribal organizations, do to offset the cost of drugs for individuals.

(3) MANUFACTURER.—The term “manufacturer” means—

(A) a person that—

(i) is a manufacturer of a drug; or

(ii) is an entity for covered outpatient drugs described in section 1927(d)(4)(A); and

(B) who complies with the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(c) DEFINITIONS.—In this section:

(1) OBLIGATIONS TO TRIBAL COMMUNITIES.—The term “obligations to tribal communities” means—

(A) the amount of all payments made by a manufacturer in the current year to Indian health programs, including programs established and operated by Indian tribes and tribal organizations; and

(B) the amount of all payments made by a manufacturer in the current year to Indian health programs, including programs established and operated by Indian tribes and tribal organizations.

(2) MEDICARE.—The term “Medicare” includes—

(A) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395b et seq.); and

(B) the Medicare program under title XVII of the Social Security Act (42 U.S.C. 1395w–21 et seq.).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term “manufacturer patient assistance program” means an organization, including a foundation (as defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term “patient assistance” means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Comptroller General of the United States.

SEC. 14208. TAKING STEPS TO FULFILL TREATY OBLIGATIONS TO TRIBAL COMMUNITIES.

(a) GAO STUDY.—The Comptroller General shall conduct a study regarding access to, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities, including the purchase of prescription drugs for Indian patients who report a conflict of interest, and monitoring of covered outpatient drugs.

(2) recommendations to align the value of prescription drug discounts available under such part B to such part D established under section 1927 of the Social Security Act (42 U.S.C. 1396w–8) with prescription drug discounts available to Tribal communities through the purchased-referenced drug program of the Indian Health Service for physician administered drugs; and

(3) an examination of how Tribal communities, including programs established and operated by Indian tribes and tribal organizations, utilize the Medicare part D program established under title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation as the Comptroller General determines appropriate.

(c) DEFINITIONS.—In this section:

(1) a review of what Indian health programs, including programs established and operated by Indian tribes and tribal organizations, do to offset the cost of drugs for individuals; and

(2) a review of what Indian health programs, including programs established and operated by Indian tribes and tribal organizations, do to offset the cost of drugs for individuals.

(3) MANUFACTURER.—The term “manufacturer” means—

(A) a person that—

(i) is a manufacturer of a drug; or

(ii) is an entity for covered outpatient drugs described in section 1927(d)(4)(A); and

(B) who complies with the requirements of clauses (ii) and (iii) of section 1927(d)(4)(A).''; and

(c) DEFINITIONS.—In this section:

(1) OBLIGATIONS TO TRIBAL COMMUNITIES.—The term “obligations to tribal communities” means—

(A) the amount of all payments made by a manufacturer in the current year to Indian health programs, including programs established and operated by Indian tribes and tribal organizations; and

(B) the amount of all payments made by a manufacturer in the current year to Indian health programs, including programs established and operated by Indian tribes and tribal organizations.

(2) MEDICARE.—The term “Medicare” includes—

(A) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395b et seq.); and

(B) the Medicare program under title XVII of the Social Security Act (42 U.S.C. 1395w–21 et seq.).

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term “manufacturer patient assistance program” means an organization, including a foundation (as defined), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(4) PATIENT ASSISTANCE.—The term “patient assistance” means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to drug costs, as determined by the Comptroller General of the United States.
than 51 percent members who are licensed and actively practicing physicians and at least 1⁄3 members who are licensed and actively practicing pharmacists, and (4) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the use of Medicaid-specific medications, such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses.

(iii) Conflict of interest policy. The State shall establish and implement a conflict of interest policy for the DUR Board that—

(1) is publicly accessible;

(2) requires all board members to complete, on an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgment in board matters; and

(3) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any issues that the Secretary fails to report a conflict of interest.

(2) by adding at the end the following new subparagraph:

(4) "DUR BOARD MEMBERSHIP REPORTS.

(i) DUR BOARD REPORTS.—Each State shall require the DUR Board to prepare and submit to the Secretary an annual report on the DUR Board membership. Such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other information required by the State.

(ii) INCLUSION OF DUR BOARD MEMBERSHIP INFORMATION IN STATE REPORTS.—Each annual State report to the Secretary required under subparagraph (D) shall include—

(I) the number of individuals serving on the State’s DUR Board;

(II) the names and professions of the individuals serving on such DUR Board;

(III) any conflicts of interest or recusals with respect to members of such DUR Board reported by the DUR Board or that the State was aware of during the period that is the subject of the report; and

(IV) whether the State has elected for such DUR Board to serve as the committee responsible for conducting a State formulary under subsection (d)(4)(A).

(b) Managed Care Requirements.—Section 438.3(s)(4)(v) of the Social Security Act (42 U.S.C. 1396u–2(s)(4)(v)) is amended to read as follows:

(8) An analysis of the effectiveness of tools and methods as to how such tools could be improved.

(9) A review of the performance of the State’s DUR Board and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

(7) A description of the tools, if any, States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(a) Audit of Manufacturer Price and Drug Product Information.—(1) In general.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) AUDITS.—The Secretary shall conduct periodic audits of the data submitted by manufacturers and, upon request, may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(2) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER’S AVERAGE SALES PRICE.—In addition to the audit required under clause (1), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’)), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(3) PENALTIES.—In addition to other penalties as may be prescribed by law, including the possibility of a penalty or proceeding under section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)), the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

(iv) REPORTS.

SEC. 14304. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID PROGRAM.

(a) Audit of Manufacturer Price and Drug Product Information.—(1) In general.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(1) AUDITS.—The Secretary shall conduct periodic audits of the data submitted by manufacturers and, upon request, may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER’S AVERAGE SALES PRICE.—In addition to the audit required under clause (1), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’)), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including the possibility of a penalty or proceeding under section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)), the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

(iv) REPORTS.

SEC. 14305. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) Investigation.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid drug use review boards (in this section referred to as ‘‘DUR Boards’’) and pharmacy and therapeutics committees (in this section referred to as ‘‘P&T Committees’’).

(b) Report.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations or other Medicaid managed care arrangements (including other specified entities (as defined in section 1903(m)(9)(D)(iii) of the Social Security Act (42 U.S.C. 1396a(m)(9)(D)(iii)))); and

(2) An analysis of the effectiveness of tools and methods as to how such tools could be improved.

(3) States that allow Medicaid MCOs to have greater access to information and the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(4) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(g)(3)) and P&T Committees.

(5) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(6) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards and P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(7) A description outlining how States, DUR Boards, or P&T Committees define conflicts of interest.

(8) A description of how DUR Boards and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

The Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) An analysis of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees.

(2) A review of the effectiveness of tools States use to ensure that there are no conflicts of interest on DUR Boards and P&T Committees and, if applicable, recommendations as to how such tools could be improved.

(3) A review of the performance of the State’s DUR Board and P&T Committees address conflicts of interest, including who is responsible for implementing such policies.

SEC. 14304. ENSURING THE ACCURACY OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION UNDER THE MEDICAID PROGRAM.

(a) Audit of Manufacturer Price and Drug Product Information.—(1) In general.—Subparagraph (B) of section 1927(b)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) is amended to read as follows:

(B) AUDITS AND SURVEYS OF MANUFACTURER PRICE AND DRUG PRODUCT INFORMATION.—

(i) AUDITS.—The Secretary shall conduct periodic audits of the data submitted by manufacturers and, upon request, may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’)), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(ii) VERIFICATIONS SURVEYS OF AVERAGE MANUFACTURER PRICE AND MANUFACTURER’S AVERAGE SALES PRICE.—In addition to the audit required under clause (1), the Secretary may survey wholesalers and manufacturers (including manufacturers that directly distribute their covered outpatient drugs (in this subparagraph referred to as ‘‘direct sellers’’)), when necessary, to verify manufacturer prices and manufacturer’s average sales prices (including wholesale acquisition cost) to make payment reported under subparagraph (A).

(iii) PENALTIES.—In addition to other penalties as may be prescribed by law, including the possibility of a penalty or proceeding under section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)), the Secretary may impose a civil monetary penalty in an amount not to exceed $185,000 on an annual basis on a wholesaler, manufacturer, or direct seller of a covered outpatient drug refuses a request for information about charges or prices by the Secretary in connection with an audit or survey under this subparagraph or knowingly provides false information. The provisions of section 1128A (other than subsections (a) (relating to the payment of amounts of penalties) and (b) (applicable to recovery of payments after a penalty)) shall apply to a civil money penalty under this clause in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

(iv) REPORTS.
"(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce, the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure accurate and time-logging of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information is considered to ensure the integrity of the drug rebate program under this section.

(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

(III) CONTENT.—Each report submitted under clause (II) shall, with respect to the period that is the subject of the report, include summaries of—

(a) Surveys conducted under this subparagraph of the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

(b) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

(c) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

(d) the types of price and drug product information, including any drug, biological product, or insulin provided as part of the audits conducted under this subparagraph;

(e) the tools and methodologies employed in such audits;

(f) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

(g) any other relevant information as the Secretary deems appropriate.

(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall include such proprietary information as the Secretary determines appropriate to prevent disclosure of, and to safeguard, such information.

(V) APPLICABILITY.—Out of any funds in the Treasury, or otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter, to carry out this subparagraph.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396b–8(b)(3)(C)(i)) is amended by striking "$10,000" and inserting "$500,000.

(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396b–8(b)(3)(C)(ii)) is amended by adding at the end the following:

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall affect the application of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to amounts determined under section 1927 of the Social Security Act (42 U.S.C. 1396–8).

SEC. 14305. APPLYING MEDICAID DRUG REBATE REQUIREMENTS TO COVERED OUTPATIENT DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396b–8(k)(3)) is amended to read as follows:

"(3) LIMITING DEFINITION.—

"(A) IN GENERAL.—The term ‘covered outpatient drug’ does not include any drug, biological product, or insulin provided as part of, or as incident to and in the same setting as, services described in clause (iv) or (v) of subparagraph (A) (such drug, biological product, or insulin being provided as part of a bundled payment).

"(B) Physicians’ services.

"(v) Professional dispensing fee that is consistent with section 1902(a)(30)(A) and sections 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM;

"(B) Payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

"(C) The entity or the PBM (as applicable) shall make available to the State and the Secretary upon request, all costs and payments such as direct and indirect remuneration, any amount charged or claimed by the entity or PBM to the pharmacy that dispenses the drug and any other remuneration; and

"(D) Any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

"(E) None of the amount charged or claimed by the entity or the PBM (as applicable) is subject to an agreement under section 1927 of the Social Security Act (42 U.S.C. 1396r–8(e)) is payable to the PBM, including ingredient costs, professional dispensing fees, or related adjustments such as direct and indirect remuneration fees and any and all other remuneration under this subparagraph.

SEC. 14306. IMPROVING TRANSPARENCY AND PREVENTING THE USE OF ABUSIVE SPREAD PRICING AND RELATED PRACTICES.—

(a) PASS-THROUGH PRICING REQUIRED.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396b–8(e)) is amended to read as follows:

"(e) PASS-THROUGH PRICING REQUIRED.—A contract between the State and a pharmacy benefit manager under section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396b–8(k)(3)) is amended by striking "’(v) APPROPRIATIONS.—Out of any funds in the Treasury, or otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter, to carry out this subparagraph.”'.
comply with the requirements of section 1927(e)(6)’.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to contracts between retail community pharmacies, managed care plans, and pharmacies benefited managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) SURVEY OF RETAIL PRICES.—

(1) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended by striking “and” after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through “(1)” and inserting the following:

“(1) SURVEY OF RETAIL PRICES.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

“(A) USE OF VENDOR.—The Secretary may contract services for—

(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent such information with respect to such discounts and rebates is available), the average reimbursement for such drugs from pharmacies as sources of payment, including third parties, and, to the extent available, the usual and customary charges to consumers from independent retail pharmacies and chain operations.

(ii) including on and off invoice discounts, rebates, and other price concessions.

(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operations.

(v) Information on wholesale acquisition cost (as defined in section 1396r–8(k)(2)) of such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, as reported under paragraph (A)(1)(i).

(vi) Information on average professional acquisition cost, and rebates is available), the average reimbursement received for such drugs by such pharmacies, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquired (including high and low resource settings) and drugs captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs.

(b) by adding at the end of paragraph (1) the following:

“(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) REQUIRED CONTENT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent determined by the Secretary, to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan (or waiver)),

(B) by inserting “across all available forms or models of reimbursement used under the plan or waiver” after “across all available forms or models of reimbursement used under the plan or waiver”;

(C) within specialties and subspecialties, as defined by the Secretary;

(D) by episodes of care for—

(i) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the reporting;

(ii) procedural groupings; and

(iii) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of the individual), as determined by the Secretary;

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the first day of the 1st quarter that begins on or after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)—

(i) in clause (I), by striking “and” after the semicolon; and

(ii) in paragraph (B), by inserting “and” after the semicolon.

(2) in subparagraph (B), by inserting “and” after the semicolon.

(3) by moving the left margins of subclause (v) by patient high-utilizer or risk status; and

(4) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(d) by the inclusion of such characteristics was included in the survey of retail prices conducted under this subsection, and the Secretary determines that there is sufficient data available with respect to such characteristic to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

(III) in the case of rebate periods that begin on or after the date of enactment of this Act.

(c) MANUFACTURER REPORTING OF WHOLESALE ACQUISITION COST.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)—

(i) by striking “and” after the semicolon; and

(ii) in paragraph (B), by inserting “and” after the semicolon.

(2) in subparagraph (B), by inserting “and” after the semicolon.

(3) by moving the left margins of subclause (I) and (II) 2 ems to the right; and

(4) by adding at the end of paragraph (II) the following:

“(III) in the case of rebate periods that begin on or after the date of enactment of this subparagraph, on the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application covered under section 505(c) of the Federal Food, Drug, and Cosmetic Act);”;

(2) in subparagraph (D)—

(A) in the matter preceding clause (I), by inserting “and clause (vii) of this subparagraph” after “1927A”; and

(b) in clause (vii), by striking “and” after the comma; and

(C) in clause (vii), by striking the period and inserting “,”; and

(D) by inserting after clause (vii) the following:

“(viii) to the Secretary to disclose (through a website accessible to the public) the most recently reported wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for each covered outpatient drug (including for all such drugs that are sold under a new drug application covered under section 505(c) of the Federal Food, Drug, and Cosmetic Act), as reported under paragraph (A)(1)(i).”;

SEC. 14907. T-REXIS DRUG DATA ANALYTICS REPORTS.

(a) IN GENERAL.—Not later than May 1 of each calendar year beginning with calendar year 2021, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(b) CONTENT OF REPORT.—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent determined by the Secretary, to Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) A comparison of covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2))) prescribing patterns under the State Medicaid plan or waiver of such plan (including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan (or waiver)),

(B) by episodes of care for—

(i) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the reporting;

(ii) procedural groupings; and

(iii) rare disease diagnosis codes (except where the inclusion of such information was included in the survey of retail prices conducted under this subsection, and the Secretary determines that there is sufficient data available with respect to such characteristic to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

(b) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(B) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescription patterns for covered outpatient drug prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(c) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(D) In the case of managed care for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care prescription patterns for covered outpatient drug prescribed in a managed care setting as compared to when the drug is prescribed in a fee-for-service setting.

(e) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(f) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(g) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(h) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(i) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(j) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(k) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(l) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(m) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(n) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(o) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(p) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(q) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(r) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(s) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(t) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(u) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(v) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(w) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(x) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(y) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(z) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

{...}
(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan, or each part of the State plan or waiver; and

(B) a comparison of prescription utilization management tools applicable to populations covered under a State Medicaid plan waived under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

(C) a description of the prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities within the State;

(D) a comparison of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver; and

(E) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) for each State, State, and model of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identified enrollees); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drug utilization under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(c) Use of T–MSIS Data.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Medicaid Statistical Information System (‘‘T–MSIS’’) data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) Preparation of Report.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(e) For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 14308. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICAID.

(a) In General.—Section 127 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

“(1) State Option To Pay For Covered Outpatient Drugs Through Risk-Sharing Value-Based Payment Agreements.—

“(1)(A) In General.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payor purposes of the State unless the manufacturer is found to meet all applicable requirements.—The manufacturer has in effect a rebate agreement with respect to such drug that meets the requirements of, and reduces the costs of, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

“(B) a comparison of the prescription utilization management tools applicable to populations covered under a State Medicaid plan waived under section 1115 of the Social Security Act (42 U.S.C. 1315) and the models applicable to populations that are not covered under the waiver;

“in the absence of such agreement.

“(I) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information (as subparagraph (A) for a manufacturer information and supporting documentation required under subsection (a)(4) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this subsection), but in no case shall the Secretary request additional information to make such a determination (or request additional information) for purposes of this subsection, the term ‘net Federal spending’ means the amount of Federal payments the Chief Actuary estimates that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is not expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

“(II) NET FEDERAL SPENDING DEFINED.—For purposes of this subsection, the term ‘net Federal spending’ means the amount of Federal payments the Chief Actuary estimates that would have been made under this title for administering a covered outpatient drug to an individual eligible for medical assistance under a State plan or a waiver of such plan if the pharmacy benefit price paid by the amount of all rebates the Chief Actuary estimates would be paid with respect to the administering of such drug, including all rebates from the manufacturer and supplemental or other additional rebates, in the absence of such an agreement.

“(III) INFORMATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information (as subparagraph (A) and (B) for a manufacturer of a covered outpatient drug of the State or a successor data set) that is not more than 24 months old on the date that the report is published; and

“(c)(1)(A) In General.—A risk-sharing value-based payment agreement shall provide for a payment structure under which, for every installment year of the agreement (subject to the timing requirements of section 430.16 of title 42, Code of Federal Regulations), the total installment year amount in equal installments to be paid at regular intervals over a period of time that shall be specified in the agreement.

“(B) REQUIREMENTS FOR INSTALLMENT PAYMENTS.—

“(I) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) for an installment year not later than 30 days after the end of such year.

“(II) LENGTH OF INSTALLMENT PERIOD.—The period of time over which the State shall make the installment payments described in subparagraph (A) for an installment year shall not be longer than 5 years.

“(III) NONPAYMENT OR REDUCED PAYMENT OF INSTALLMENTS FOLLOWING A FAILURE TO MEET CLINICAL PARAMETER.—If, prior to the payment date (as specified in the agreement) of any installment payment described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug that is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that—

“(I) the installment payment shall not be made; and

“(II) the installment payment shall be reduced by a percentage specified in the agreement that is based on the outcome achieved by the manufacturer relative to the relevant clinical parameter.

“(IV) NOTICE OF INTENT.—

“(A) In General.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this section with respect to such drug unless the manufacturer notifies the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the State and shall only be effective upon Secretarial approval as required under this subsection.

“(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

“(A) In General.—In the case of a manufacturer of a covered outpatient drug designated under section 526 of the Federal Food, Drug, and Cosmetic Act, and approved under subparagraph (C) or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act after the
date of enactment of this subsection, not more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case provided in clause (ii) that is dated later than March 31, 2022), the manufacturer must notify the Secretary of the manufacturer’s intent to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug. If no such meeting has occurred, the Secretary may use discretion as to whether a potentially curative treatment intended for one-time use may qualify for a risk-sharing value-based payment agreement under this section. If such notification is acceptable, the Secretary shall not have any influence on a decision for drug approval by the Food and Drug Administration.

(II) DEFINITION OF CERTAIN SUBSEQUENTLY APPROVED DRUGS.—A drug described in this clause is a covered outpatient drug of a manufacturer—

(1) that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of the Public Health Service Act after the date of enactment of this subsection; and

(2) with respect to which, as of January 1, 2021, more than 90 days have passed after the manufacturer’s meeting with the Food and Drug Administration following phase II clinical trials for such drug.

(III) PARALLEL APPROVAL.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services and the Commissioner of Food and Drugs, shall, to the extent practicable, approve a State’s request to enter into a proposed risk-sharing value-based payment agreement that otherwise meets the requirements of this subsection at the time that such request is approved by the Food and Drug Administration to help provide that no State that wishes to enter into such an agreement is required to pay for the drug in full at one time if the State is seeking to pay over a period of time as outlined in the proposed agreement.

(IV) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be applied or construed to modify or affect the timeframes or factors involved in the Secretary’s determination of whether to approve or license a drug under section 502 of the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act.

(V) FEDERAL HEALTH BENEFITS FOR STATE MEDICAID PROGRAMS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, with respect to an individual who is administrated a unit of a covered outpatient drug that is approved under a State plan by a State Medicaid agency under a risk-sharing value-based payment agreement in an installment year, the State shall be liable to the manufacturer of such drug for payment for such unit without regard to whether the individual remains enrolled in the State plan under this title or a waiver under section 1115 of title 42 for such installment year for which the State is to make installment payments for covered outpatient drugs purchased under the agreement in such year.

(B) IN GENERAL.—In the case of an individual described in subparagraph (A) who dies during the period described in such subparagraph, the State plan shall not be liable for any remaining payment for the unit of the covered outpatient drug administered to the individual which is owed under the agreement described in such subparagraph.

(C) DEATH.—In the case of a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement between a State and a manufacturer under this subsection, the agreement shall be the subject of an application that has been withdrawn by the Secretary, the State plan shall not be liable for any remaining payment that is owed under the agreement.

(D) ALTERNATIVE ARRANGEMENT UNDER AGREEMENT.—Subject to approval by the Secretary, the terms of a proposed risk-sharing value-based payment agreement submitted for approval by a State may provide that subparagraph (A) shall not apply.

(E) GUIDANCE.—Not later than January 1, 2024, the Secretary shall—

(I) each subsequent assessment period for purposes of determining average manufacturer price; and

(II) establish such rules and regulations as are necessary to implement and enforce the provisions of this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

(8) GUIDANCE AND REGULATIONS.—

(A) IN GENERAL.—Not later than January 1, 2024, the Secretary shall issue guidance to States seeking to enter into risk-sharing value-based payment agreements under this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.

(B) MODEL AGREEMENTS.—

(i) IN GENERAL.—If a State expresses an interest in entering into a risk-sharing value-based payment agreement under this subsection with a manufacturer for the purchase of a covered outpatient drug, the Secretary and the manufacturer may share with such State any risk-sharing value-based payment agreement between a State and the manufacturer for the purchase of such drug that has been approved under this subsection. While such shared agreement may serve as a template for a State that wishes to propose, the use of a previously approved agreement shall not affect the submission of such State’s risk-sharing value-based payment agreement to which the same manufacturer is a party.

(ii) TERMINATION OF AGREEMENT.—If the Secretary determines as a result of the assessment by the Chief Actuary under subparagraph (A) that the actual Federal spending under this subsection that was the subject of the State’s risk-sharing value-based payment agreement was greater than the net Federal spending that would have resulted in the absence of the agreement, the Secretary shall notify the State and the manufacturer that the agreement shall not affect the submission of such State’s risk-sharing value-based payment agreement to which the same manufacturer is a party.

(iii) ADDITIONAL PENALTIES.—In the case of a manufacturer that fails to make repayments required under subclause (I), the Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection that includes a model template for such agreements. The Secretary may issue any additional guidance or promulgate regulations as necessary to implement and enforce the provisions of this subsection.
under this subparagraph and that is only in effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such HCPRD data.

"C) OIG CONSULTATION. —

"(1) IN GENERAL.—The Secretary shall consult with the Office of the Inspector General of the Department of Health and Human Services to determine whether there are potential program integrity concerns (including issues related to compliance with sections 1122B and 1127 of this title) with respect to the agreement.

"(2) WITH AGREEMENT OF THE STATE.—The agreement must be approved by the State for it to be approved under this subsection.

"D) OIG POLICY UPDATES AS NECESSARY.—

The Inspector General of the Department of Health and Human Services shall review and update, as necessary, any policies or guidelines of the Office of the Inspector General of the Department of Human Services and other policies related to the enforcement of section 1122B to accommodate the use of risk-sharing value-based payment agreements in accordance with this section.

"(9) RULES OF CONSTRUCTION.—

"(A) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall affect the application of any provisions of title XIX of the Social Security Act.

"(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement under section 1927(c)(2), the period beginning with the start of the first installment year (as defined in subparagraph (C)) and ending with the last day of the last installment year under this subsection.

"(C) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

"(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—

Except as expressly provided in this subsection, nothing in this subsection or any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

"(10) APPROPRIATIONS.—For fiscal year 2022 and each subsequent fiscal year, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

"(11) DEFINITIONS.—In this subsection:

"(A) CHIEF ACTUARY.—The term 'Chief Actuary' means the Chief Actuary of the Centers for Medicare & Medicaid Services.

"(B) INSTALLMENT YEAR.—The term 'installment year' means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

"(C) POTENTIALLY CURATIVE TREATMENT IN- TENDED FOR ONE-TIME USE.—The term 'potentially curative treatment intended for one-time use' shall mean a treatment that is not the administration of a covered outpatient drug that—

"(i) is a form of gene therapy for a rare disease,

"(ii) is a form of gene therapy for a serious or life-threatening disease or condition,

"(iii) is a form of gene therapy for one or more conditions for which a drug is approved by the Secretary for the treatment of the disease or condition that is intended to cure the disease or condition,

"(iv) is approved by the Secretary in accordance with paragraph (2),

"(v) is approved by the Secretary in accordance with paragraph (2).

"(D) INSTALLMENT YEAR AMOUNT.—The term 'total installment year amount' means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of—

"(i) the unit price of the drug charged under the agreement for the installment year,

"(ii) the number of units of such drug administered under the agreement during such installment year,

"(B) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subsection (II) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

"(II) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term 'inflation-adjusted average manufacturer price' means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, 2019, transferred to an entity, including a division of the manufacturer, whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the effective date of this paragraph-adjusted average manufacturer price determined with respect to such drug under subsection (II) for the rebate period, with respect to each dosage form and strength of the single source drug or innovator multiple source drug.
SA 5484. Mr. GRASSLEY (for himself, Mr. BRAUN, Mr. CASSIDY, Ms. COLLINS, Ms. MURKOWSKI, Mr. PORTMAN, Ms. ERNST, Mr. DAINES, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment "The Biologics Administration pursuant to section 1847 of the Social Security Act (42 U.S.C. 1395w–3c(9)) is amended—

(a) in paragraph (2)—

(1) in subparagraph (B) by striking "the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K);" and

(2) by striking "(II) the term 'drug coupon program' means, with respect to a manufacturer, a program through which the manufacturer provides coupons to patients as described in subparagraph (K);" and

(b) by striking "(A) the term 'coupon' means—'

(1) the amount of any reduction or elimination of cost-sharing or other out-of-pocket costs described in such subparagraph to a patient as a result of the use of such coupon; and

(2) any charge to the patient for the use of such coupon.

(1) in paragraph (2)—

(A) in subparagraph (B), the amount''; and

(b) by striking subparagraph (B), the amount'"; and

(c) by inserting at the end of the following new subparagraph:

"(A) the amount determined under subparagraph (B) for the reference biological product.''

SEC. 102. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395w–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving such subclauses 2 ems to the right;

(2) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii) and moving such clauses 2 ems to the right;

(3) by striking "UNAVAILABLE.—In the case and inserting "UNAVAILABLE.—"(A) IN GENERAL.—Subject to subparagraph (B)," and

(4) by adding at the end the following new subparagraph:

"(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after January 1, 2023, in lieu of applying subparagraph (A) (as defined in paragraph (4)(C) for such product with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the following:

(1) The amount determined under clause (i) of such subparagraph for the biosimilar biological product.

(2) The amount determined under subsection (b)(1)(B) for the reference biological product.'

SEC. 103. TEMPORARY INCREASE IN MEDICARE PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

Section 1847A(b)(8) of the Social Security Act (42 U.S.C. 1395w–3a(b)(8)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking "PRODUCT.—The amount" and inserting the following: "PRODUCT.—"(A) IN GENERAL.—Subject to subparagraph (B), the amount'"; and

(3) by adding at the end the following new subparagraph:

"(B) TEMPORARY PAYMENT INCREASE FOR BIOSIMILAR BIOLOGICAL PRODUCTS.—

(i) IN GENERAL.—Beginning January 1, 2023, in the case of a biosimilar biological product described in paragraph (1)(C) that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product is an amount equal to the lesser of the following:

(1) The amount specified in subparagraph (A) for such product if clause (ii) of such subparagraph was applied by substituting '8 percent' for '6 percent'.

(2) The amount determined under subsection (b)(1)(B) for the reference biological product.

(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a biosimilar biological product is the period beginning on the first day of the first calendar quarter in which payment was made for such product under this paragraph as of December 31, 2022;

(iii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(i) of paragraph (3) with respect to such rebatable drug and rebate period:

(iv) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A)(i) of paragraph (3) for such rebatable drug and rebate period:

(v) The rebate amount specified under such paragraph for such rebatable drug and rebate period:

(B) MANUFACTURER Rebate.—

(i) IN GENERAL.—Subject to clause (ii), for each rebate period beginning on or after January 1, 2024, the manufacturer shall, for each rebatable drug (as defined in paragraph (2)(B)), report to each manufacturer of such rebatable drug the following for such rebate period:

(vi) Information on the total number of units of the billing and payment code described in subparagraph (A)(i) of paragraph (3) with respect to such rebatable drug and rebate period:

(vii) The rebate amount specified under such paragraph for such rebatable drug and rebate period:

(viii) INFORMATION ON THE AMOUNT (IF ANY) OF THE EXCESS AVERAGE SALES PRICE INCREASE DESCRIBED IN SUBPARAGRAPHS (A)(I) AND (A)(II) OF PARAGRAPH (3) WITH RESPECT TO SUCH REBATEABLE DRUG AND REBATE PERIOD:

(viii) The rebate amount specified under such paragraph for such rebatable drug and rebate period:
(A) DURING INITIAL PERIOD.—For quarters during the initial period in which the payment amount for such drug is determined using the methodology described in subsection (a) of paragraph (4), if—

(i) clause (ii)(I) of paragraph (3)(A) shall be applied as if the reference to ‘the amount determined under subsection (b)(4),’ were a reference to ‘the wholesale acquisition cost applicable under subsection (c)(4);’

(ii) clause (ii) of paragraph (3)(C) shall be applied—

(I) as if the reference to ‘the amount determined under subsection (b)(4),’ were a reference to ‘the wholesale acquisition cost applicable under subsection (c)(4);’ and

(II) as if the term ‘benchmark period CPI–U’ were defined under paragraph (3)(D) as the first full calendar quarter after the day on which the drug was first marketed; and

(iii) clause (ii) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI–U’ were defined under paragraph (4)(E) as if the reference to ‘July 2021’ under such paragraph were a reference to ‘the first month of the first full calendar quarter after the day on which the drug was first marketed.’

(B) AFTER INITIAL PERIOD.—For quarters beginning after such initial period—

(i) clause (i) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI–U’ were defined under paragraph (4)(E) as if the reference to ‘July 2021’ under such paragraph were a reference to ‘the first month of the first full calendar quarter after the day on which the Secretary is able to compute an average sales price for the rebatable drug;’

(ii) clause (i) of paragraph (3)(C) shall be applied as if the term ‘benchmark period CPI–U’ were defined under paragraph (4)(E) as if the reference to ‘July 2021’ under such paragraph were a reference to ‘the first month of the first full calendar quarter after the day on which the Secretary is able to compute an average sales price for the rebatable drug;’

(5) REBATE DEPOSITS.—Amounts paid as rebates under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

(6) ENFORCEMENT.—

(A) CIVIL MONEY PENALTY.—

(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements of paragraphs (1)(B) and (3)(C) for such drug for each rebate period for which such manufacturer fails to provide a rebate for a rebatable drug for a rebate period for such failure in an amount equal to the sum of—

(I) the inflation-adjusted amount benchmark quarter for such drug for such rebate period; and

(II) 25 percent of such amount.

(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) (with respect to amounts of penalties or additional assessments); and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

(B) NO PAYMENT FOR MANUFACTURERS WHO FAIL TO PAY PENALTY.—If the manufacturer of a rebatable drug fails to pay a civil money penalty under subparagraph (A) with respect to the failure to provide a rebate for a rebatable drug for a rebate period by a date specified by the Secretary after the imposition of such penalty, no payment shall be available under this part for such rebatable drug for calendar quarters beginning on or after such date until the Secretary determines the manufacturer failed to pay the penalty due under such subparagraph.

(7) the extent, if any, to which there is consistency across manufacturers in what they consider to be a bona fide service fee as opposed to a discount or rebate that should be excluded from the determination of average sales price pursuant to the methodology under section 1847A of the Social Security Act (42 U.S.C. 1395w–3a);

(8) the overall magnitude of bona fide service fees; and

(9) what share of bona fide service fees are paid to various entities;
SEC. 107. ESTABLISHMENT OF MAXIMUM ADD-ON PAYMENT FOR DRUGS AND BIOLOGICALS.—

(a) In General.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (3) and inserting the following new paragraph:

"(3) DETERMINATION OF MAXIMUM ADD-ON PAYMENT.—

(II) the amount of payment under subparagraph (A) for a specified outpatients drug that is furnished on or after January 1, 2024, if the average sales price of the drug or biological under this subparagraph is not a multiple of $10 shall be rounded to the nearest multiple of $10; and (B) in subsection (c)(4)(A)(ii), by striking "subject to subsection (b)(9), in the case".

"(b) CONFIRMING AMENDMENTS RELATING TO SEPARATELY PAYABLE DRUGS.—

(1) OOPS.—Section 1833(t)(14) of the Social Security Act (42 U.S.C. 1395l(t)(14)) is amended—

(A) in subparagraph (A)(II), by inserting "subject to subparagraph (1) after "are not available"; and

(B) by adding at the end the following new subparagraph:

"(I) APPLICATION OF MAXIMUM ADD-ON PAYMENT FOR SEPARATELY PAYABLE DRUGS AND BIOLOGICALS.—In establishing the amount of payment under this subsection for a specified Drug or biological, the term 'applicable drugs' means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less than 25 drugs or biologicals).

(2) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturer provides rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers purchasing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 110. AUTHORITY TO USE ALTERNATIVE PAYMENT FOR DRUGS AND BIOLOGICALS TO PREVENT POTENTIAL DRUG SHORTAGES.—

(a) In General.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended—

(1) by striking "PAYMENT IN RESPONSE TO PUBLIC HEALTH EMERGENCY.—In the case";

(2) by adding at the end the following new paragraph:

"(B) PREVENTING POTENTIAL DRUG SHORTAGES.—

(1) IN GENERAL.—Section 1847A(e) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

"(ii) PREVENTING POTENTIAL DRUG SHORTAGES.—

(A) In General.—In the case of a drug or biological that the Secretary determines is described in subparagraph (B) for one or more quarters beginning on or after January 1, 2024, the Secretary may use wholesale acquisition cost or other reasonable measure of a drug or biological price instead of the manufacturer's average sales price for such quarters and for subsequent quarters until the end of the quarter in which such drug or biological is removed from the drug shortage list under section 1860b–4(a) of the Federal Food, Drug, and Cosmetic Act, or in the case of a drug or biological described in subparagraph (B)(ii), the date on which the Secretary determines that the total production capacity or the total number of manufacturers of such drug or biological is sufficient to increase in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

Any amount determined under this subparagraph that is not a multiple of $10 shall be rounded to the nearest multiple of $10."

"(2) PREVENTING POTENTIAL DRUG SHORTAGES.—

(A) In General.—In the case of a drug or biological that the Secretary determines as the "Comptroller General" shall conduct a study on spending for applicable drugs under part B of title XVIII of the Social Security Act.

"(B) APPLICABLE DRUGS DEFINED.—In this section, the term "applicable drugs" means drugs and biologicals—

(A) for which reimbursement under such part B is based on the average sales price of the drug or biological; and

(B) that account for the largest percentage of total spending on drugs and biologicals under such part B (as determined by the Comptroller General, but in no case less than 25 drugs or biologicals).

(3) REQUIREMENTS.—The study under paragraph (1) shall include an analysis of the following:

(A) The extent to which each applicable drug is paid for—

(i) under such part B for Medicare beneficiaries; or

(ii) by private payers in the commercial market.

(B) Any change in Medicare spending or Medicare beneficiary cost-sharing that would occur if the average sales price of an applicable drug was based solely on payments by private payers in the commercial market.

(C) The extent to which drug manufacturer provides rebates, discounts, or other price concessions to private payers in the commercial market for applicable drugs, which the manufacturer includes in its average sales price calculation for—

(i) formulary placement;

(ii) utilization management considerations; or

(iii) other purposes.

(D) Barriers to drug manufacturers purchasing such price concessions for applicable drugs.

(E) Other areas determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.
mitigate a potential shortage of the drug or biological.

(B) DRUG OR BIOLOGICAL DESCRIBED.—For purposes of subparagraph (A), a drug or biological described in this subparagraph is a drug or biological—

(i) that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act, and with respect to which any manufacturer of such drug or biological notifies the Secretary of a permanent discontinuance or an interruption in the supply of such drug or biological that is likely to lead to a significant disruption in the manufacturer’s supply of that drug pursuant to section 506(a) of such Act; or

(ii) that—

(I) is described in section 506C(a) of such Act; and

(II) was listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of such Act within the preceding 5 years; and

(III) for which the total manufacturing capacity of all manufacturers with an approved application for such drug or biological that is currently marketed or total number of manufacturers with an approved application for such drug or biological that is currently marketed declines during a 6-month period, as determined by the Secretary.

(C) PROVISION OF ADDITIONAL INFORMATION.—For each quarter in which the amount of payment for a drug or biological described in subparagraph (B) pursuant to subparagraph (A) exceeds the amount of payment for a similar drug biologically applicable under this section, each manufacturer of such drug or biological shall provide to the Secretary information related to the potential cause or causes of the shortage and the expected duration of the shortage with respect to such drug;

(b) TRACKING SHORTEST DRUGS THROUGH CLAIMS.—The Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’) shall establish a mechanism (such as a modifier) for purposes of tracking utilization under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) of drugs and biologicals listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 506E of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e).

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the drug shortages under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(A) an analysis—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program;

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in addressing drug shortages, including CMS’s working relationship and communication with other Federal agencies and stakeholders; and

(iv) the role of all actors in the drug supply chain (including drug manufacturers, distributors, wholesalers, secondary wholesale- ers, and/or purchasing organizations hospitals, and physicians) on drug shortages within the Medicare program; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public online.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force authorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.

Subtitle B—Part D

SEC. 121. MEDICARE PART D MODERNIZATION REDESIGN.

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b)(2) of the Social Security Act (42 U.S.C. 1395w–102(b)(2)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ‘‘for a year preceding 2025’’ after ‘‘paragraph (4);’’ and

(B) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2025, and for each subsequent year after 2024’’ after ‘‘paragraph (4);’’ and

(ii) in clause (ii), by striking ‘‘and each subsequent year’’ and inserting ‘‘, 2021, 2022, 2023, and 2024’’;

(2) in subparagraph (D)—

(i) in clause (I), by inserting ‘‘for a year preceding 2025, each subsequent year’’ after ‘‘paragraph (4);’’ and

(ii) by deleting the period at the end of clause (II) and moving such clause 2 ems to the right;

(B) by striking ‘‘25 PERCENT CONINSURANCE.’’

(c) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘equal to 80 percent’’ and inserting ‘‘equal to’’;

(B) by striking ‘‘for a year preceding 2025, 80 percent’’;

(C) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ‘‘; and’’; and

(D) by adding at the end the following new subparagraph:

(II) for 2025 and each subsequent year, 20 percent.’’;

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(2)(D) of the Social Security Act (42 U.S.C. 1395w–114(a)(2)(D)) is amended by striking ‘‘25 percent’’ and inserting the applicable percentage specified in paragraph (1) for amounts for each of years 2021 through 2024.

(b) DECREASING REINSURANCE PAYMENT AMOUNT.—Section 1860D–15(b) of the Social Security Act (42 U.S.C. 1395w–115(b)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘equal to 80 percent’’ and inserting ‘‘equal to’’;

(B) by striking ‘‘for a year preceding 2025, 80 percent’’;

(C) in subparagraph (A), as added by paragraph (1), by striking the period at the end and inserting ‘‘; and’’; and

(D) by adding at the end the following new subparagraph:

(II) for 2025 and each subsequent year, 20 percent.’’;

(2) CONFORMING AMENDMENT.—Section 1860D–14(a)(2)(D) of the Social Security Act (42 U.S.C. 1395w–114(a)(2)(D)) is amended by striking ‘‘25 percent’’ and inserting the applicable percentage specified in paragraph (1) for amounts for each of years 2021 through 2024.

(a) BENEFIT STRUCTURE REDESIGN.—

SEC. 122. D RUG OR BIOLOGICAL DESCRIBED.—

(1) IN GENERAL.—

(A) an analysis—

(i) the effect of drug shortages on Medicare beneficiary access, quality, safety, and out-of-pocket costs;

(ii) effect of drug shortages on health providers, including hospitals and physicians, across the Medicare program; and

(iii) the current role of the Centers for Medicare & Medicaid Services (CMS) in address- ing drug shortages, including CMS’s working relationship and communication with other Federal agencies and stakeholders; and

(iv) the role of all actors in the drug supply chain (including drug manufacturers, dis- tributors, wholesalers, secondary wholesale- ers, and/or purchasing organizations hospitals, and physicians) on drug shortages within the Medicare program; and

(B) relevant findings and recommendations to Congress.

(2) PUBLIC AVAILABILITY.—The report under this subsection shall be made available to the public online.

(3) CONSULTATION.—The Secretary shall consult with the drug shortage task force au- thorized under section 506D(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356d(a)(1)(A)) in preparing the report under this subsection, as appropriate.
(A) with respect to applicable drugs (as defined in section 1860d–14B(g)(2))—

(i) for 2025, 80 percent;

(ii) for 2026, 40 percent, and

(iii) for 2027 and each subsequent year, 20 percent;

(B) with respect to covered part D drugs that are not applicable drugs (as so defined),

(i) for 2025, 80 percent;

(ii) for 2026, 60 percent; and

(iii) for 2027 and each subsequent year, 40 percent.

(d) Manufacturer Discount Program During Initial and Catastrophic Phases of Coverage.

(1) GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1860d–14A (42 U.S.C. 1445w–114) the following new section:

**SEC. 1860d–14B. MANUFACTURER DISCOUNT PROGRAM.**

(a) Establishment.—The Secretary shall establish a manufacturer discount program (in this section referred to as the ‘program’).

Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c).

The Secretary shall establish a model agreement for use under the program by not later than January 1, 2024, in consultation with manufacturers, and allow for comment on such agreement.

(b) Terms of Agreement.—

(1) IN GENERAL.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer that are dispensed on or after January 1, 2025.

(2) Provision of Discounted Prices at the Point-of-Sale.—The discounted prices described in paragraph (a) shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

(3) Compliance With Requirements for Administration of Program.—Each manufacturer with an agreement in effect under this section shall comply with the requirements imposed by the Secretary or a third party with respect to such agreement, as applicable, for purposes of administering the program, including any determination under subparagraph (A) of subsection (c)(1) or procedures established under such subsection (c)(1).

(4) Length of Agreement.—

(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 12 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

(B) Termination.—

(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section: if the agreement is not in compliance with the terms of an agreement under this section.

(ii) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance.

(5) Effective Date of Agreement.—

An agreement under this section shall take effect on a date determined appropriate by the Secretary, which may be at the start of a calendar quarter.

(c) Duties Described.—The duties described in this section shall include—

(1) ADMINISTRATION OF PROGRAM.—Administering the program, including—

(A) the determination of the amount of the discounted price of an applicable drug of a manufacturer; and

(B) the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug.

(2) MONITORING COMPLIANCE.—

(A) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

(B) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance.

(3) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

(d) Manufacturer Discount.

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c).

(2) LIMITATION.—In providing for the implementation of the provisions of this section, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into contracts with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with the third party under the preceding sentence shall require that the third party—

(A) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

(B) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

(C) permit manufacturers to conduct periodic audits, directly or through consultants, of the data submitted by the third party to determine discounts for applicable drugs of the manufacturer under the program.

(e) Performance Requirements.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence of the activities carried out by the third party under the program under this section.

(f) Funding.—For purposes of carrying out this section, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841 to the Centers for Medicare & Medicaid Services Program Management Account, of $4,000,000 for each of fiscal years 2022 through 2025, to remain available until expended.

(g) EveNTs.—

(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

(2) OBJECTION.—(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiary discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the manufacturer, if the manufacturer had failed to provide; and

(ii) 25 percent of such amount.

(B) APPLICATION.—The provisions of sections 1128A(a) and (b) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

(h) Clarification Regarding Availability of Other Covered Part D Drugs.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not a covered part D drug) under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).
"(g) Definitions.—In this section:

"(1) Applicable beneficiary.—The term ‘applicable beneficiary’ means an individual who, on the date of dispensing a covered part D drug:

"(A) is enrolled in a prescription drug plan or an MA–PD plan;

"(B) is not enrolled in a qualified retiree prescription drug plan or a drug the MA–PD plan approves for the applicable beneficiary;

"(C) has incurred costs for covered part D drugs in the year that are above the annual deductible specified in section 1860D–2(b)(1) for such plan;

"(2) Applicable drug.—The term ‘applicable drug’ means, with respect to an applicable beneficiary for a year, a covered part D drug;

"(A) approved under a new drug application section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (including a product licensed under subsection (k) of such section 351); and

"(B) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

"(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

"(iii) is provided through an exception or appeal.

"(3) Applicable Number of Calendar Days.—The term ‘applicable number of calendar days’ means—

"(A) with respect to claims for reimbursement submitted electronically, 14 days; and

"(B) claims for reimbursement submitted otherwise, 30 days.

"(4) Discounted Price.—

"(A) In general.—The term ‘discounted price’ means—

"(i) with respect to an applicable drug dispensed for an applicable beneficiary who has incurred costs that are below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 93 percent of the negotiated price of the applicable drug of a manufacturer; and

"(ii) have to an applicable drug dispensed for an applicable beneficiary who has incurred costs for covered part D drugs in the year that are above the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, 86 percent of the negotiated price of the applicable drug of a manufacturer.

"(B) Clarification.—Nothing in this section shall be construed as affecting the responsibilities of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

"(C) Clarification for Certain Claims.—With respect to the amount of the negotiated price for an applicable drug with respect to an applicable beneficiary, the manufacturer of the applicable drug shall provide:

"(i) the discounted price under clause (i) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls above the deductible specified in section 1860D–2(b)(1) for the year and below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year; and

"(ii) the discounted price under clause (ii) of subparagraph (A) only on the portion of the negotiated price of the applicable drug that falls at or above such annual out-of-pocket threshold.

"(5) Manufacturer.—The term ‘manufacturer’ means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical and/or biological extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under section 1860D–2(b)(1)."
in subsection (c)(1)(C)—

(i) in the subparagraph heading, by striking “AT INITIAL COVERAGE LIMIT”; and

(ii) by inserting “for a year preceding 2025 or the annual out-of-pocket threshold specified in subsection (b)(4)(B) for the year for 2025 and each subsequent year” after “subsection (b)(3)” for the year” each place it appears;

(C) in subsection (d)(1)(A), by striking “or an initial” and inserting “or for a year preceding 2025” after “subsection (b)(4)(A)(i)”;

(2) in section 1860D-4(a)(4)(B)(i) of the Social Security Act (42 U.S.C. 1395w-104(a)(4)(B)(i)) is amended by striking “the initial” and inserting “for a year preceding 2025, the initial”;

(3) Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—


(i) in subparagraph (E), by striking “The determination” and inserting “For a year preceding 2025, the determination”;


(B) in paragraph (2)—

(i) in subparagraph (C), by striking “The determination” and inserting “For a year preceding 2025, the determination”;

(ii) in subparagraph (E), by inserting “(aa)” in the beginning of the subparagraph;


(D) by inserting “for a year preceding 2025” after “subsection (b)(4)”.

(2) by adding at the end the following new subparagraph:

“(bb) the number of months remaining in the plan year; and

(ii) for a subsequent month, an amount determined by calculating—

(aa) the annual out-of-pocket threshold specified in paragraph (4)(B) minus the incurred costs of the enrollee as described in paragraph (4)(C) divided by

(bb) the number of months remaining in the plan year.

(4) ADDITIONAL REQUIREMENTS.—The following requirements shall apply with respect to the option to make an election pursuant to clause (i) under this subparagraph:

(D) SECRETARIAL RESPONSIBILITIES.—The Secretary shall provide information to part D eligible individuals on the option to make such election through educational materials, including through the notices provided under section 1808(a).

(E) TIMING OF ELECTION.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

(aa) prior to the beginning of the plan year; or

(bb) in any month during the plan year.

(III) PDP AND MA ORGANIZATION RESPONSIBILITIES.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

(aa) may offer the election for an enrollee to make such an election to certain covered part D drugs;

(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

(cc) shall include information on such option in enrollee educational materials;

(dd) shall provide in place of a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacists for dispensing part D drugs (with respect to covered part D drugs dispensed to the enrollee) and

“(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs during the plan year.

(IV) FAILURE TO PAY AMOUNT BILLED.—If an enrollee fails to pay the amount billed for a month as required under this subparagraph, the plan shall notify the enrollee that the plan may terminate the plan's agreement to provide benefits to such enrollee if the enrollee fails to meet any deadline under this paragraph.

(V) CLARIFICATION REGARDING PAST DUE AMOUNTS.—Nothing in this paragraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for an amount owed under this subparagraph.

(VI) TREATMENT OF UNSETTLED BALANCES.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as plan losses and the Secretary shall not be liable for any such balances outside of those assumed as losses estimated in plan bids.

(2) in paragraph (4)—

(A) in subparagraph (C), by striking “and” subject to subparagraph (F)” and inserting “subject to subparagraphs (F) and (G)”;

(B) by adding at the end the following new subparagraph:

“(C) INCLUSION OF COSTS PAID UNDER MAXIMUM MONTHLY CAP OPTION.—In applying subparagraph (A), with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the process provided under such paragraph.”;

(B) APPLICATION TO ALTERNATIVE SUBSCRIPTIONS.—Section 1806D-2(c) of the Social Security Act (42 U.S.C. 1395w-102(c)) is amended by adding at the end the following new paragraph:

“(4) SINK MAXIMUM MONTHLY CAP ON COST-SHARING.—For plan years beginning on or after January 1, 2025, the maximum monthly cap on cost-sharing payments under the process provided under subsection (b)(2)(E) shall apply to such coverage.”.

SEC. 121B. REQUIRING PHARMACY-NEGOTIATED PRICE, COMMENT, AND FEES TO BE INCLUDED IN NEGOTIATED PRICES AT THE POINT-OF-SALE UNDER PART D OF THE MEDICARE PROGRAM.

Section 1860D-2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w-102(d)(1)(B)) is amended—

(1) by striking “PRICES.—For purposes” and inserting “PRICES.—”;

(2) in general.—For purposes”;

(2) by adding at the end the following new clause:

“(ii) PRICES NEGOCIATED WITH PHARMACY AT POINT-OF-SALE.—For plan years beginning on or after January 1, 2025, the approximate lowest possible reimbursement for such drug negotiated with the pharmacy dispensing such drug, and shall include all contingent and noncontingent price concessions, payments, and fees negotiated with such pharmacy, but shall exclude positive incentives paid or to be paid to such pharmacy. Such negotiated price shall be provided at the point-of-sale of such drug.”.

SEC. 122. PUBLIC DISCLOSURE OF DRUG DISCOUNTS AND OTHER PHARMACY BENEFIT MANAGER (PBM) PROVISIONS.

(a) Public Disclosure of Drug Discounts.
(1) In general.—Section 1150A of the Social Security Act (42 U.S.C. 1320b–23) is amended—
   (A) in subsection (c), in the matter preceding "represents 
   pharmacy benefit managers' ability to negoti- 
   ate rebates, discounts, and price concessions 
   and the amount of such rebates, dis-
   counts, and price concessions that are passed 
   through to patients" following "(B)" there-
   after, by striking "such plan year or the 
   two preceding plan 
   years."
   (B) and by adding at the end the following new paragraph:
   "(c) Public Availability of Certain Information.—
      "(1) In General.—Subject to paragraphs (2) and 
      (3), in order to allow patients and em-
      ployers to compare PBMs' ability to negoti- 
      ate rebates, discounts, and price concessions 
      and the amount of such rebates, dis-
      counts, and price concessions that are passed 
      through to patients, not later than January 1, 
      2024, the Secretary shall make available 
      on the Internet website of the Department of 
      Health and Human Services the information 
      provided to the Secretary and described in 
      paragraphs (2) and (3) of subsection (b) with 
      respect to each PBM.
      "(2) Lag in Data.—The information made 
      available in a plan year under paragraph (1) 
      shall not include information with respect to 
      such plan year or the two preceding plan 
      years.
      "(3) Confidentiality.—The Secretary shall 
      ensure that such information is displayed in 
      a manner that prevents the disclosure of in-
      formation on rebates, discounts, and price 
      concessions that are passed through to pa-
      tients. Notwithstanding any provision of law, 
      information disclosed in a report submitted under clause (i) of paragraph (2) of subsection 
      (b) with respect to plan year 2024 and sub-
      sequent plan years, actual and projected di-
      rect and indirect remuneration shall be at the 
      claim level or approximated at the claim 
      level if the price concession or incentive 
      payment was applied at a level other than at 
      the claim level.";
   (d) Disclosure of P&T Committee Conflicts of Interest.—
      (1) In general.—Section 1860D–4(b)(3)(A) of the Social Security Act (42 U.S.C. 1395w– 
      104(b)(3)(A)) is amended by adding at the end the 
      following new clause:
      "(ii) Disclosure of Conflicts of Interest.—With respect to plan year 2024 and sub-
      sequent plan years, a PDP sponsor of a pre-
      scription drug plan and an MA organization offering an MA–PD plan shall, as part of its 
      bid submission under section 1860D–11(b), provide the Secretary with a completed 
      statement of financial conflicts of interest, including with manufacturers, from each 
      member of any pharmacy and therapeutic committee used by the sponsor or organiza-
      tion pursuant to this paragraph."
   (2) Inclusion in Bid.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w– 
      111(b)(2)) is amended—
      (A) by redesignating subparagraph (F) as 
      subparagraph (G); and
      (B) by inserting after subparagraph (E) the 
      following new subparagraph:
      "(F) P&T Committee Conflicts of Interest.—The information provided to the Sec-
      retary pursuant to section 1860D–15 across all 
      prescription drug plans based on the most re-
      cent data available. Information made avail-
      able under this subparagraph shall include the following:
      "(i) Timeframe for P&T Committee Conflicts of Interest.—A PDP sponsor and an MA or-
      ganization offering an MA–PD plan shall provide the Secretary with a summary and 
      detailed direct and indirect remuneration reports submitted by PDP spon-
      sors pursuant to section 1860D–15 across all prescription drug plans based on the most re-
      cent data available. Information made avail-
      able under this subparagraph shall include the following:
      "(ii) P&T Committee Conflicts of Interest.—With respect to plan year 2024 and sub-
      sequent plan years, a PDP sponsor of a pre-
      scription drug plan and an MA organization offering an MA–PD plan shall, as part of its 
      bid submission under section 1860D–11(b), provide the Secretary with a completed 
      statement of financial conflicts of interest, including with manufacturers, from each 
      member of any pharmacy and therapeutic committee used by the sponsor or organiza-
      tion pursuant to this paragraph."
      (2) Inclusion in Bid.—Section 1860D–11(b)(2) of the Social Security Act (42 U.S.C. 1395w– 
      111(b)(2)) is amended—
      (A) by redesignating subparagraph (F) as 
      subparagraph (G); and
      (B) by inserting after subparagraph (E) the 
      following new subparagraph:
      "(F) P&T Committee Conflicts of Interest.—The information provided to the Sec-
      retary pursuant to section 1860D–15 across all 
      prescription drug plans based on the most re-
      cent data available. Information made avail-
      able under this subparagraph shall include the following:
      "(i) Timeframe for P&T Committee Conflicts of Interest.—A PDP sponsor and an MA or-
      ganization offering an MA–PD plan shall provide the Secretary with a summary and 
      detailed direct and indirect remuneration reports submitted by PDP spon-
      sors pursuant to section 1860D–15 across all prescription drug plans based on the most re-
      cent data available. Information made avail-
      able under this subparagraph shall include the following:
"(1) The number of potential discrepancies in summary and detailed direct and indirect remuneration identified by the Secretary for PDP sponsors to review.

"(ii) The number of subparagraphs which PDP sponsors resubmitted summary direct and indirect remuneration reports to make changes for previous contract years.

"(iii) The extent to which resubmitted summary direct and indirect remuneration reports resulted in an increase or decrease in direct and indirect remuneration in a previous contract year.

"(B) EXCLUSION OF CERTAIN SUBMISSIONS IN CALCULATION.—The Secretary shall exclude any information in direct and indirect remuneration reports submitted with respect to PACE programs under section 1984 (pursuant to section 1860D–2(l)(1)) and qualified retiree prescription drug plans (as described in section 1860D–2(a)(2)) from the information that is made available to the public under subparagraph (A).

"(2) FINANCIAL AUDIT RESULTS.—In 2023 and each subsequent year, the Secretary shall make available to the public on the Internet website of the Centers for Medicare & Medicaid Services data on the results of financial audits required under section 1860D–12(b)(3)(C). Information made available under this paragraph shall include the following:

"(A) In subparagraph (B), the number of PDP sponsors that received each of the following (or successor categories), with an indication of the number of plans that pertain to direct and indirect remuneration:

"(i) A notice of observations or findings.

"(ii) An unqualified audit opinion that renders the audit closed.

"(iii) A qualified audit opinion that requires the sponsor to submit a corrective action plan to the Secretary.

"(iv) An adverse opinion, with a description of the types of actions that the Secretary takes when issuing an adverse opinion.

"(v) A disclaimed opinion.

"(B) With respect to a year, the number of PDP sponsors—

"(i) that reopened a previously closed reconciliation as a result of an audit, indicating those that pertain to direct and indirect remuneration changes; and

"(ii) for which the Secretary recouped a payment in error as a result of a reopening of a previously closed reconciliation, indicating when such recoupment or payment pertains to direct and indirect remuneration.

"(3) NO IDENTIFICATION OF SPECIFIC PDP SPONSORS.—The information to be made available on the Internet website of the Centers for Medicare & Medicaid Services described in paragraph (1) and paragraph (2) shall not identify the specific PDP sponsor to which any determination or action pertains.

"(4) DEFINITION OF DIRECT AND INDIRECT REMUNERATION.—For purposes of this subsection, the term ‘direct and indirect remuneration’ means any payment of money or any form or manner of remuneration, as defined in section 422.308 of title 42, Code of Federal Regulations, or any successor regulation.

SEC. 124. IMPROVEMENTS TO PROVISION OF PARTS A AND B CLAIMS DATA TO PRESCRIPTION DRUG PLANS.

(a) DATA GUIDANCE.

"(1) IN GENERAL.—Paragraph (6) of section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)), as added by section 505A of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123), relating to providing prescription drug plans with parts A and B claims data to promote the appropriate use of medications and improve health outcomes, is amended—

"(A) in subparagraph (B)—

"(i) by redesignating clauses (i), (ii), and (iii) as subclasses (I), (II), and (III), respectively, and moving such subclasses 2 ems to the right;

"(ii) by striking ‘‘PURPOSES.—A PDP sponsor’’ and inserting ‘‘PURPOSES—’’;

"(iii) by adding at the end the following new clause:

"(ii) CLARIFICATION.—The limitation on data use under subparagraph (C)(i) shall not apply to the extent that the PDP sponsor is using the information to reconcile to the Secretary to any of the purposes described in clause (i); and

"(B) in subparagraph (C)(i), by striking ‘‘To inform’’ and inserting ‘‘Subject to subparagraph (B)(1)’’.

"(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2024.

SEC. 125. MEDICARE PART D REBATE BY MANUFACTURERS FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

(a) IN GENERAL.—Subpart 2 of part D of title XVIII of the Social Security Act is amended by inserting after section 1860D–14B, as added by section 121, the following new section:

"SEC. 1860D–14C. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASING FASTER THAN INFLATION.

"(a) REQUIREMENTS.—

"(1) SECRETARIAL PROVISION OF INFORMATION.—

"(a) IN GENERAL.—Subject to subparagraph (b), for each rebate period in paragraph (4)(A) beginning on or after January 1, 2025, the Secretary shall, for each rebatable covered part D drug (as defined in paragraph (4)(B)), report to each manufacturer (as defined in paragraph (4)(C)) of such rebatable covered part D drug the following for the rebate period:

"(i) Information on the total number of units (as defined in paragraph (4)(D)) of each dosage form and strength described in paragraph (1)(A) of subsection (b) for such rebatable covered part D drug and rebate period.

"(ii) Information on the amount (if any) of the excess price described in paragraph (1)(B) of such subsection for such rebatable covered part D drug and rebate period.

"(iii) The rebate amount specified under such subsection for such rebatable covered part D drug and rebate period.

"(b) TRANSITION RULE FOR INFORMATION IN PARAGRAPH (A).—The Secretary, for such rebate period, shall not later than 30 days after the date of receipt from the Secretary of the information and rebate amount pursuant to paragraph (1), provide to the Secretary a rebate that is equal to the amount specified in subsection (b) for such drug rebate period.

"(B) EXEMPTION FOR SHORTAGES.—The Secretary may, in the case of a rebatable covered part D drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 505E of the Federal Food, Drug, and Cosmetic Act.

"(3) REQUEST FOR RECONSIDERATION.—The Secretary shall establish procedures under which a manufacturer of a rebatable covered part D drug may request a reconsideration by the Secretary of the rebate amount specified in subsection (b), including the rebate period, as reported to the manufacturer pursuant to paragraph (1). For the purposes of any reconsideration, the Secretary may, in the case of a biologic product, license under this paragraph with respect to a rebatable covered part D drug that is listed on the drug shortage list maintained by the Food and Drug Administration pursuant to section 505E of the Federal Food, Drug, and Cosmetic Act.

"(4) DEFINITIONS.—In this section:

"(A) REBATE PERIOD.—

"(i) IN GENERAL.—Subject to clause (ii), the term ‘rebate period’ means, with respect to a year, each of the six month periods that begin on January 1 and July 1 of the year.

"(ii) INITIAL REBATE PERIOD FOR SUBSEQUENTLY APPROVED DRUGS.—In the case of a rebatable covered part D drug described in subsection (c), the rebate period for which a rebate amount is determined for such rebatable covered part D drug pursuant to such subsection shall be the period beginning with the first month after the last day of the six month period that begins on the day on which the drug was first marketed and ending on the last day of the first full rebate period under clause (i) that follows the last day of such six month period.

"(B) REBATABLE COVERED PART D DRUG.—The term ‘rebatable covered part D drug’ means a covered part D drug approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 505(a) of the Public Health Service Act.

"(C) MANUFACTURER.—The term ‘manufacturer’ has the meaning given such term in section 1860D–14A(g).

"(D) UNITS.—The term ‘units’ means, with respect to a rebatable covered part D drug, the lowest common quantity (such as the number of capsules or tablets, milligrams of molecules, or grams) of such drug dispensed to individuals under this part.

"(E) PRICE.—The term ‘price’ means, with respect to a rebatable covered part D drug, the wholesale acquisition cost (as defined in section 1860D–14A(a)(6)(B)) for such drug.

"(F) REBATE AMOUNT.—

"(i) IN GENERAL.—Subject to subsection (e)(2), the amount of the rebate specified in this subsection for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is the amount equal to the product of—

"(A) the total number of units of such dosage form and strength for each rebatable covered part D drug during the rebate period, and

"(B) the amount (if any) by which—
‘(i) the unit-weighted average price for such dosage form and strength of the drug determined under paragraph (2) for the rebate period; exceeds

‘(ii) the inflation-adjusted price for such dosage form and strength determined under paragraph (3) for the rebate period.

‘(2) DETERMINATION OF UNIT-WEIGHTED AVERAGE PRICE.—

‘(A) IN GENERAL.—The unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered Part D drug, is the sum of the products of—

‘(i) the weighted average price determined under subparagraph (B) with respect to each package size of such dosage form and strength dispensed during the rebate period; and

‘(ii) the ratio of—

‘(I) the total number of units of such package size dispensed during the rebate period; to

‘(II) the total number of units of such dosage form and strength of such drug dispensed during such rebate period.

‘(B) COMPUTATION OF WEIGHTED AVERAGE PRICE.—The weighted average price, with respect to each package size of such dosage form and strength of a rebatable covered part D drug dispensed during a rebate period, is the sum of the products of—

‘(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug during the rebate period; and

‘(ii) the ratio of—

‘(I) the number of days for which each such price is applicable during the rebate period; to

‘(II) the total number of days in such rebate period.

‘(3) DETERMINATION OF INFLATION-ADJUSTED PRICE.—

‘(A) IN GENERAL.—The inflation-adjusted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered part D drug, is—

‘(i) the benchmark unit-weighted price determined under subparagraph (B) for the rebate period; increased by

‘(ii) the percentage by which the rebate period CPI–U (as defined in paragraph (4)) for the rebate period that begins on the day on which the drug was first marketed; and

‘(B) DETERMINATION OF BENCHMARK UNIT-WEIGHTED AVERAGE PRICE.—The benchmark unit-weighted average price determined under this subparagraph (B) of such subsection, the benchmark unit-weighted average price determined under paragraph (3) for the rebate period;

‘(C) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—In the case of a rebate period that begins after July 1, 2021 and begins on the day on which the drug was first marketed, the benchmark unit-weighted average price for such dosage form and strength of such drug dispensed during the six month period that begins on the day on which the drug was first marketed; and

‘(D) BENCHMARK UNIT-WEIGHTED AVERAGE PRICE.—(A) The benchmark unit-weighted average price determined under this paragraph for a rebate period, with respect to each dosage form and strength of a rebatable covered Part D drug, is the sum of the products of—

‘(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug on July 1, 2021; and

‘(ii) the ratio of—

‘(I) the total number of units of such package size dispensed during the six month period that begins on the day on which the drug was first marketed; to

‘(II) the total number of days during such six month period.

‘(B) Computation of Benchmark Unit-Weighted Average Price.—The benchmark unit-weighted average price, with respect to each package size of such dosage form and strength of such drug dispensed during the six month period that begins on the day on which the drug was first marketed, is the sum of the products of—

‘(i) each price, as calculated for a unit of such drug, applicable to each package size of such dosage form and strength of such drug on July 1, 2021, and

‘(ii) the ratio of—

‘(I) the total number of units of such package size dispensed during the six month period that begins on the day on which the drug was first marketed; to

‘(II) the total number of units of such dosage form and strength dispensed on July 1, 2021.

‘(4) BENCHMARK CPI–U.—The term ‘benchmark CPI–U’ means the consumer price index for all urban consumers (United States city average) for July 2021.

‘(5) REBATE PERIOD CPI–U.—The term ‘rebate period CPI–U’ means, with respect to a rebate period, the consumer price index for all urban consumers (United States city average) for the last month of the rebate period.

‘(6) ANNUAL RECONCILIATION OF REBATE AMOUNT.—The Secretary shall, on an annual basis, conduct a one-time reconciliation of the rebate amounts owed by a manufacturer under this section based on any changes submitted by a PDP sponsor of a prescription drug plan or an MA organization offering an MA-PD plan to the number of units of a rebatable covered Part D drug dispensed during the rebate period. Such reconciliation shall be completed not later than 6 months after the date by which the Secretary reconciles payment for covered Part D drugs under such prescription drug plan or MA organizations offering MA-PD plans.

‘(7) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—The benchmark unit-weighted average price of a dosage form and strength of a rebatable covered Part D drug, is the sum of the products of—

‘(i) the benchmark unit-weighted average price for such dosage form and strength of such drug that is different than the calculation described in such subsection;

‘(B) BENCHMARK UNIT-WEIGHTED AVERAGE PRICE.—In the case that the benchmark-unit weighted average price for such dosage form and strength of such drug that is different than the calculation described in such paragraph.

‘(8) ADMINISTRATION.—Chapter 35 of title 42, United States Code, does not apply to the program under this section.

‘(4) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1879, or otherwise of the determination of the rebate amount under subsection (b), including with respect to a subsequently approved drug pursuant to subsection (c), including—

‘(A) the determination of—

‘(i) the total number of units of each rebatable covered part D drug under subsection (b)(1)(A); and

‘(ii) the unit-weighted average price under subsection (b)(2);

‘(iii) the inflation-adjusted price under subsection (b)(6);

‘(iv) the benchmark unit-weighted average price under subsection (c)(3); and

‘(v) the subsequently rebatable drug weighted average price under subsection (c)(4); and

‘(B) the application of special rules for calculation of benchmark unit-weighted price and benchmark unit-weighted average price under paragraph (2) of this subsection.

‘(F) CIVIL MONEY PENALTY.—

‘(1) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to comply with the requirements under subsection (a)(2) with respect to providing a rebate for a rebatable covered Part D drug for a rebate period for each such failure in an amount equal to the sum of—

‘(A) the rebate amount determined pursuant to subsection (b) for such drug for such rebate period; and

‘(B) 25 percent of such amount.

‘(2) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b) shall apply to a civil money penalty under subsection (a)(2) as such provisions apply to a penalty or proceeding under section 1128A(a).

‘(G) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as having any effect on—

‘(i) any formula design under section 1860D–4(b)(3); or

‘(ii) any discounts provided under the coverage gap discount program under section 1860D–14A or the manufacturer catastrophic discount program under section 1860D–14B.

‘(H) REBATE AGREEMENT.—

‘(1) IN GENERAL.—The Secretary shall enter into an agreement described in paragraph (2) with manufacturers.

‘(2) TERMS OF AGREEMENT.
SEC. 129. ADDITION OF NEW MEASURES BASED ON ACCESS TO BIOSIMILAR BIOLOGICAL PRODUCTS TO THE 5-STAR RATING SYSTEM UNDER MEDICARE ADVANTAGE.

(a) IN GENERAL.—Section 1853(o)(4) of the Social Security Act (42 U.S.C. 1395w–55(o)(4)) is amended by adding at the end the following new subparagraph:

"(4) APPLICATION OF PHARMACY QUALITY MEASURES.—

(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

(i) established or adopted by the Secretary, from the Federal Supplementary Medical Insurance Trust Fund established by section 1851(j)(2)(B) of the Act; and

(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

(B) STANDARD PHARMACY QUALITY MEASURES.—

(I) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

(II) MAINTENANCE OF LIST.—The Secretary shall maintain a list of measures established or adopted under this subparagraph.

(III) EFFECTIVE DATE.—The requirement under subparagraph (I) to maintain a list of measures established or adopted under this subparagraph takes effect on January 1, 2023.

(c) Effective date.—The amendments made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 127. REQUIRING PRESCRIPTION DRUG PLANS AND MA–PD PLANS TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.

Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

"(q) REQUIREMENT TO REPORT POTENTIAL FRAUD, WASTE, AND ABUSE TO THE SECRETARY OF HHS.—

(A) IN GENERAL.—There are appropriated such sums as are necessary to carry out this section.

(B) E FFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 126. PROHIBITING BRANDING ON PART D ADVANTAGE.

(a) IN GENERAL.—Section 1851(j)(2)(B) of the Social Security Act (42 U.S.C. 1395w–21(j)(2)(B)) is amended by striking "co–branding, co–owned, or affiliated network provider" and inserting "co–branded, co–owned, or affiliated network provider, pharmacy, or pharmacy benefit manager.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.

SEC. 125. ESTABLISHMENT OF PHARMACY QUALITY MEASURES UNDER MEDICARE BENEFIT ADVANTAGE.

Section 1860D–6(c) of the Social Security Act (42 U.S.C. 1395w–115(c)), as amended by section 124, is amended by adding at the end the following new subsection:

"(8) APPLICATION OF PHARMACY QUALITY MEASURES.—

(A) IN GENERAL.—A PDP sponsor that makes incentive payments to a pharmacy or receives price concessions paid by a pharmacy based on quality measures shall, for the purposes of such incentive payments or price concessions with respect to covered part D drugs dispensed by such pharmacy, only use measures—

(i) established or adopted by the Secretary, from the Federal Supplementary Medical Insurance Trust Fund established by section 1851(j)(2)(B) of the Act; and

(ii) that are relevant to the performance of such pharmacy with respect to areas that the pharmacy can impact.

(B) STANDARD PHARMACY QUALITY MEASURES.—

(I) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish or adopt quality measures from one or more multi-stakeholder, consensus organizations to be used by a PDP sponsor for the purposes of determining incentive payments and price concessions described in subparagraph (A). Such measures shall be evidence-based and focus on pharmacy performance on patient health outcomes and other areas, as determined by the Secretary, that the pharmacy can impact.

(II) MAINTENANCE OF LIST.—The Secretary shall maintain a list of measures established or adopted under this subparagraph.

(III) EFFECTIVE DATE.—The requirement under subparagraph (I) to maintain a list of measures established or adopted under this subparagraph takes effect on January 1, 2023.

(c) Effective date.—The amendments made by subsection (a) shall apply to plan years beginning on or after January 1, 2024.
amended, in the matter preceding paragraph (1), by inserting “(or, for 2022 and subsequent years, 75.5 percent)” after “74.5 percent”.

(2) FALLBACK AREA MONTHLY BENEFICIARY PREMIUM.—Section 18519(i)(7)(B)(vii) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)(i)) is amended by striking “25.5 percent” and inserting “the applicable percent (as specified in section 1860D–13(a)(8))”.

(3) INCOME-RELATED MONTHLY ADJUSTMENT AMOUNT.—Section 1860D–13(a)(7)(B)(vii) of the Social Security Act (42 U.S.C. 1395w–111(g)(6)(ii)) is amended by striking “25.5 percent” and inserting “the applicable percent (as specified in paragraph (8))”.

SEC. 131. HIS STUDY AND REPORT ON THE INFLUENCE OF PHARMACEUTICAL MANUFACTURER THIRD-PARTY REIMBURSEMENT HUBS ON HEALTH CARE PROVIDERS WHO PRESCRIBE THEIR DRUGS AND BIOLOGICALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a study on the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services on health care providers who prescribe the manufacturer’s drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for pharmaceutical manufacturer’s drugs and biologicals, including—

(A) the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer’s drugs and biologicals, including—

(i) the operations of pharmaceutical manufacturer distribution models that provide reimbursement hub services for pharmaceutical manufacturer’s drugs and biologicals, including—

(A) the influence of pharmaceutical manufacturer distribution models that provide third-party reimbursement hub services to health care providers who prescribe the manufacturer’s drugs and biologicals, including—

(ii) per dose, had an increase in the wholesale acquisition cost, with respect to determinations made—

(I) during 2022, of at least 15 percent since the date of the enactment of this section;

(II) during 2023, of at least 15 percent in the preceding 12 months or of at least 30 percent in the preceding 24 months;

(III) during 2024, of at least 15 percent in the preceding 12 months or of at least 50 percent in the preceding 24 months;

(IV) during 2025, of at least 100 percent in the preceding 12 months or of at least 250 percent in the preceding 48 months; or

(V) on or after January 1, 2026, of at least 100 percent in the preceding 12 months or of at least 300 percent in the preceding 60 months.

(B) HIGH LAUNCH PRICE FOR NEW DRUGS.—In the case of a drug that is marketed for the first time on or after January 1, 2021 and for which the manufacturer has established the first wholesale acquisition cost or on or after January 1, 2023 the first wholesale acquisition cost for a year’s supply or a course of treatment for such drug exceeds the gross spending for covered part D drugs at the annual out-of-pocket threshold as defined under section 1860D–2(b)(4)(B) would be met for the year.

(c) CONSULTATION.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary shall consult with the Attorney General.

Subtitle C—Miscellaneous

SEC. 141. DRUG MANUFACTURER PRICE TRANSPARENCY.

Title XI of the Social Security Act (42 U.S.C. 13101 et seq.) is amended by inserting after section 1226K the following new section:

SEC. 1125A. DRUG MANUFACTURER PRICE TRANSPARENCY.

“(a) IN GENERAL.—

“(1) DETERMINATIONS.—Beginning July 1, 2022, the Secretary shall make determinations as to whether a drug is an applicable drug as described in subsection (b).

“(2) REQUIRED JUSTIFICATION.—If the Secretary determines that a drug is an applicable drug as described in subsection (b), the manufacturer of the applicable drug shall submit to the Secretary the justification described in section 1125A(c)(1) under paragraph (1), which the Secretary may substitute for each percentage described in subparagraph (A) or (B) of such paragraph, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

(ii) metrics used to determine executive compensation;

(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

(A) drug research and development;

(B) clinical trials on drugs that failed to receive approval by the Food and Drug Administration;

(C) the total expenditure of the manufacturer that are associated with marketing and advertising for the applicable drug;

(D) additional information specific to the manufacturer of the applicable drug, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

(ii) metrics used to determine executive compensation;

(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

(A) drug research and development;

(B) clinical trials on drugs that failed to receive approval by the Food and Drug Administration;

(C) the total expenditure of the manufacturer that are associated with marketing and advertising for the applicable drug;

(D) additional information specific to the manufacturer of the applicable drug, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

(ii) metrics used to determine executive compensation;

(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

(A) drug research and development;

(B) clinical trials on drugs that failed to receive approval by the Food and Drug Administration;

(C) the total expenditure of the manufacturer that are associated with marketing and advertising for the applicable drug;

(D) additional information specific to the manufacturer of the applicable drug, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

(ii) metrics used to determine executive compensation;

(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

(A) drug research and development;

(B) clinical trials on drugs that failed to receive approval by the Food and Drug Administration;

(C) the total expenditure of the manufacturer that are associated with marketing and advertising for the applicable drug;

(D) additional information specific to the manufacturer of the applicable drug, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;

(ii) metrics used to determine executive compensation;

(iii) any additional information related to drug pricing decisions of the manufacturer, such as total expenditures on—

(A) drug research and development;

(B) clinical trials on drugs that failed to receive approval by the Food and Drug Administration;

(C) the total expenditure of the manufacturer that are associated with marketing and advertising for the applicable drug;

(D) additional information specific to the manufacturer of the applicable drug, such as—

(i) the total revenue and net profit of the manufacturer for the period of such increase, as determined by the Secretary;
the Centers for Medicare & Medicaid Services the justification, together with a summary of such justification that is written and formatted using language that is easily understandable to beneficiaries under titles XVII and XIX.

“(B) EXCLUSION OF PROPRIETARY INFORMATION.—The Secretary shall exclude proprietary information, such as trade secrets and intellectual property, submitted by the manufacturer in the justification under paragraph (2) from the posting described in subparagraph (A) or (B) of subsection (b)(1), the requirement to submit a justification under subsection (a) shall not apply where the manufacturer, after receiving the notification under subsection (a)(1) with respect to the applicable drug of the manufacturer, reduces the wholesale acquisition cost of a drug so that it no longer is described in such subparagraph (A) or (B) for at least a 4-month period, as determined by the Secretary.

“(1) PENALTIES.—

“(i) FAILING TO SUBMIT TIMELY JUSTIFICATION.—If the Secretary determines that a manufacturer has failed to submit a justification as required under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty under this section in the same manner as such provisions apply to a penalty or proceeding under section 1856A(a) of part B of title XVIII of the Social Security Act.

“(ii) DEFAULT OF PROVIDING FALSE INFORMATION.—Any manufacturer that submits a justification under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount not to exceed $100,000 for each item of false information in such justification is subject to a penalty or proceeding under section 1128A (other than subsection (b)(2)) for each calendar year.

“(2) FALSE INFORMATION.—Any manufacturer that submits a justification under this section, including in accordance with the timing and form required, with respect to an applicable drug, the Secretary shall apply a civil monetary penalty in an amount not to exceed $100,000 for each item of false information in such justification as so required.

“(3) APPLICATION OF PROCEDURES.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil monetary penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1856A(a) of the Social Security Act. Civil monetary penalties imposed under this subsection are in addition to other penalties as may be prescribed by law.

“(g) DEFINITIONS.—In this section:

“(1) DRUG.—The term ‘drug’ means a drug, as defined in section 1860D–2(a) of the Social Security Act, Food, and Drug, and Cosmetic Act, that is intended for human use and subject to section 505(b)(1) of such Act, including a product licensed under section 351 of the Public Health Service Act.

“(2) MANUFACTURER.—The term ‘manufacturer’ has the meaning given that term in section 1877A(a)(6)(A).

“(3) WHOLESALE ACQUISITION COST.—The term ‘wholesale acquisition cost’ has the meaning given that term in section 1877A(a)(6)(B).

SEC. 142. STRENGTHENING AND EXPANDING PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Section 1150A of the Social Security Act (42 U.S.C. 1320b–23), as amended by section 122, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “(excluding bona fide” and all that follows through “patient education programs”); and

(B) by striking “aggregate amount of” and inserting “aggregate amount and percentage of”;

(2) in paragraph (3), by striking “agregate amount of” and inserting “aggregate amount and percentage of”;

(3) in subsection (c), by adding at the end the following new paragraph:

“(d) The aggregate amount of bona fide service fees (which include distribution service fees, inventory management fees, product stocking allowances, and fees associated with on-site or off-site patient care programs such as medication compliance programs and patient education programs) the PBM received from—

(A) PDP sponsors;

(B) qualified health benefit plans;

(C) managed care entities (as defined in section 1932(a)(1)(B)); and

(D) drug manufacturers.”;

(4) by adding at the end the following new subsection:

“(5) To States to carry out their administrative oversight of the State plan under title XIX.

“(6) To the Federal Trade Commission to carry out section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and any other relevant consumer protection or antitrust authorities enforced by such Commission, including reviewing proposed mergers in the prescription drug sector.

“(7) To assist the Department of Justice to carry out its antitrust authorities, including reviewing proposed mergers in the prescription drug sector.

“(8) By adding at the end the following new subsection:

“(F) ANNUAL OIG EVALUATION AND REPORT.—

“(1) ANALYSIS.—The Inspector General of the Department of Health and Human Services shall conduct an annual evaluation of the information provided to the Secretary under this section. Such evaluation shall include an analysis of—

“(A) PBM rebates;

“(B) administrative fees;

“(C) the difference between what plans pay PBMs and what PBMs pay pharmacies;

“(D) generic drug pricing; and

“(E) other areas determined appropriate by the Inspector General.

“(2) REPORT.—Not later than January 1, 2023, and annually thereafter, the Inspector General of the Department of Health and Human Services shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate. Such report shall not disclose the identity of a specific PBM, plan, or price charged for a drug.”.

SEC. 143. PRESCRIPTION DRUG PRICING DASHBOARDS.

Part A of title XI of the Social Security Act is amended by adding at the end the following new section:

“SEC. 1150D. PRESCRIPTION DRUG PRICING DASHBOARD.

“(a) IN GENERAL.—Beginning not later than January 1, 2023, the Secretary shall establish, and annually update, Internet website-based dashboards, through which beneficiaries, clinicians, researchers, and the public can review information on spending for, and utilization of, prescription drugs and biologicals (and related supplies and mechanisms) for each of the 15 drugs and biologicals covered under parts B and D of title XVIII and under a State program under title XIX, including information on trends of such spending and utilization over time.

“(b) MEDICARE PART B DRUG AND BIOLOGICAL DASHBOARD.

“(1) IN GENERAL.—The dashboard established under subsection (a) for part B of title XVIII shall provide the information described in paragraph (2).

“(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to drug or biologicals covered under such part B:

“(A) The brand name (if applicable), the generic names of the drug or biological.

“(B) Consumer-friendly information on the uses and clinical indications of the drug or biological.

“(C) The manufacturer or labeler of the drug or biological.

“(D) To the extent feasible, the following information:

“(i) Average total spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

“(ii) The percentage change in average spending on the drug or biological per dosage unit between the most recent calendar year for which data is available and—

“(I) the preceding calendar year;

“(II) the preceding 5 and 10 calendar years.

“(iii) The annual growth rate in average spending per dosage unit of the drug or biological in the most recent 2 calendar years for which data is available.

“(iv) Total spending for the drug or biological for the most recent calendar year for which data is available.

“(v) The number of beneficiaries receiving the drug or biological in the most recent calendar year for which data is available.

“(E) The average sales price of the drug or biological (as determined under section 1847A) for the most recent quarter.

“(F) Consumer-friendly information about the coinsurance amount for the drug or biological for beneficiaries for the most recent quarter. Such information shall not include coinsurance amounts for qualified medicare beneficiaries (as defined in section 1985(p)(1)).

“(G) The most recent calendar year for which data is available—

“(i) the 15 drugs and biologicals with the highest total spending under such part; and

“(ii) the 15 drugs and biologicals for which the average annual per beneficiary spending exceeds the gross spending for covered part D drugs at which the annual out-of-pocket spending under section 1860D–2(b)(4)(B) would be met for the year.

“(H) Other information (not otherwise prohibited in law from being disclosed) that the Secretary determines would provide beneficiaries, clinicians, researchers, and the public with helpful information about drug and biological spending and utilization (including trends of such spending and utilization).

“(c) MEDICARE COVERED PART D DRUG DASHBOARD.

“(1) IN GENERAL.—The dashboard established under subsection (a) for part D of title XVIII shall provide the information described in paragraph (2).

“(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to covered part D drugs under such part D:

“(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

“(B) Information on average annual beneficiary out-of-pocket costs below and above the annual out-of-pocket threshold under section 1860D–2(b)(4)(B) for the current plan year. Such information shall not include...
SEC. 144. IMPROVING COORDINATION BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE CENTERS FOR MEDICARE & MEDICAID SERVICES.

(a) IN GENERAL.—The dashboard established under subsection (a) for title XIX shall provide the information described in paragraph (2).

(2) INFORMATION DESCRIBED.—The information described in this paragraph is the following information with respect to novel medical products for which data is available, the 15 covered outpatient drugs with the highest total spending under such title:

(A) The information described in subparagraphs (A) through (D) of subsection (b)(2).

(B) For purposes of discussing and providing information about covered part D drug spending and utilization (including trends of such spending and utilization).

(c) NOVEL MEDICAL PRODUCTS DESCRIBED.—

For purposes of this section, a novel medical product described in this subsection is a drug, including a biological product (including gene and cell therapy), or medical device, that has been designated as a breakthrough therapy under section 506(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360f(a)), a breakthrough device under section 515B of such Act (21 U.S.C. 360e–3), or a regenerative advanced therapy under section 506(g) of such Act (21 U.S.C. 360f(g)).

SEC. 145. PATIENT CONSULTATION IN MEDICARE AND MEDICAID SPENDING DETERMINATIONS IN ORDER TO MITIGATE BARRIERS TO INCLUSION OF SUCH PERSPECTIVES.

Section 1862(l)(1) of the Social Security Act (42 U.S.C. 1395y(l)(1)) is amended by adding at the end of such subsection the following new paragraph:

“(7) PATIENT CONSULTATION IN NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—With respect to national coverage determinations, the Secretary, and with respect to local coverage determinations, the Medicare administrative contractor, may consult with patients and organizations representing patients with respect to other health care entities, including patient assistance programs, in making national and local coverage determinations.”

SEC. 146. GAO STUDY ON INCREASES TO MEDICARE AND MEDICAID SPENDING DUE TO COPAYMENT COUPONS AND OTHER PATIENT ASSISTANCE PROGRAMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of copayment coupons and other patient assistance programs on prescription drug pricing and expenditures within the Medicare and Medicaid programs. The study shall assess the following:

(1) The extent to which copayment coupons and other patient assistance programs contribute to inflated prescription drug prices under such programs.

(2) The impact copayment coupons and other patient assistance programs have in the Medicare Part D program established under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) on utilization of higher-cost brand drugs and lower utilization of generic drugs in that program.

(3) The extent to which manufacturers report or obtain tax benefits, including deductions of business expenses and charitable contributions, for any of the following:

(A) Offering copayment coupons or other patient assistance programs.

(B) Sponsoring manufacturer patient assistance programs.

(C) Paying for sponsorships at outreach and advocacy events organized by patient assistance programs.

(4) The efficacy of oversight conducted to ensure that independent charity patient assistance programs adhere to guidance from the Office of the Inspector General of the Department of Health and Human Services on avoiding waste, fraud, and abuse.

(b) DEFINITIONS.—In this section:...
(1) INDEPENDENT CHARITY PATIENT ASSISTANCE PROGRAM.—The term “independent charity patient assistance program” means any organization described in section 300(a)(9) of the Indian Health Care Improvement Act of 1990 and exempt from taxation under section 501(a) of such Code and which is not a private foundation (as defined in section 590(a) of such Code).

(2) MANUFACTURER.—The term “manufacturer” has the meaning given that term in the Federal Trade Commission Act of 1914 (15 U.S.C. 41 et seq.), that is sponsored by, or receives funding from, a manufacturer and that offers patient assistance. Such term does not include an independent charity patient assistance program.

(3) MANUFACTURER PATIENT ASSISTANCE PROGRAM.—The term “manufacturer patient assistance program” means an organization, including a pharmaceutical company, that satisfies the definition of, and is sponsored by, a manufacturer and that offers patient assistance.

(4) PATIENT ASSISTANCE.—The term “patient assistance” means assistance provided to offset the cost of drugs for individuals. Such term includes free products, coupons, rebates, copay or discount cards, and other means of providing assistance to individuals related to determining the needs, or low-income individuals with chronic illnesses.

(5) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on shifting coverage of certain drugs and biologicals from such part B to such part D.

(2) CONTENTS.—The report under paragraph (1) shall include—

(a) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(b) recommendations to align the value of prescription drug discounts available under Medicaid programs with the value of the discounts established under section 1927(d) of the Social Security Act (42 U.S.C. 1395w–3(a)); and

(c) recommendations to improve enrollment among Indians in that program.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the findings of the study required under subsection (a).

SEC. 147. MEDPAC REPORT ON SHIFTING COVERAGE OF CERTAIN MEDICARE PART B DRUGS TO MEDICARE PART D.

(a) STUDY.—The Medicare Payment Advisory Commission in this section referred to as the Commission shall conduct a study on shifting coverage of certain drugs and biologicals for which payment is currently made under such part B of title XVIII of the Social Security Act (42 U.S.C. 1395b et seq.) to such part D of such title (42 U.S.C. 1395w–21 et seq.). Such study shall include an analysis of—

(1) differences in program structures and payment methods for drugs and biologicals covered under such parts B and D, including effects of such a shift on program spending, beneficiary cost-sharing liability, and utilization management techniques for such drugs and biologicals; and

(2) the feasibility and policy implications of shifting coverage and the cost of, prescription drugs and biologicals for which payment is currently made under such part B to such part D.

(b) REPORT.—(1) IN GENERAL.—Not later than June 30, 2023, the Commission shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation as the Commission deems appropriate.

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

TITLE II—MEDICAID DRUG PRICING REFORMS

SEC. 201. MEDICAID PHARMACY AND THERAPEUTICS COMMITTEES COMMITTEE IMPROVEMENTS.

(a) IN GENERAL.—Subparagraph (A) of section 1927(d)(4) of the Social Security Act (42 U.S.C. 1396m–4(d)(4)) is amended to read as follows:

“(A)(i) The formulary is developed and reviewed by a pharmacy and therapeutics committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State.

(ii) Subject to clause (vi), the State establishes and implements a conflict of interest policy for the pharmacy and therapeutics committee that—

(I) is publicly accessible;

(II) requires all committee members to complete, on at least an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in committee matters;

(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any instance where a member fails to report a conflict of interest;

(IV) The membership of the pharmacy and therapeutics committee—

(I) be made publicly available;

(II) be composed of members who are independent and free of any conflict, including conflicts of interest, with respect to manufacturers, medical managed care entities, and pharmacy benefit managers; and

(III) includes at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of 1 or more Medicaid-specific populations such as elderly or disabled, low-income individuals with chronic illnesses, and the cost of, prescription drugs among Indians. The study shall include—

(1) a review of what Indian health programs pay for prescription drugs on reservations, in urban centers, and in Tribal communities relative to other consumers;

(2) recommendations to align the value of prescription drug discounts available under Medicaid programs with the value of the discounts established under section 1927(d) of the Social Security Act (42 U.S.C. 1395w–3(a)); and

(3) an examination of how Tribal communities operate pharmacy and therapeutics committees that satisfy the requirements of clauses (ii) and (iii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.

(b) APPLICATION TO MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Clause (xxiii) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396m(2)(A)) is amended—

(A) by striking “(and)” and inserting “and”;

(B) by striking the period at the end and inserting “, and”;

(C) by moving the first margin 2 ems to the left;

and

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 202. IMPROVING REPORTING REQUIREMENTS AND STANDARDS FOR THE USE OF DRUG USE REVIEW BOARDS IN STATE MEDICAID PROGRAMS.

(a) IN GENERAL.—Section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396m–6(g)(3)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) MEMBERSHIP.-(i) IN GENERAL.—The membership of the drug use review board shall—

(II) be composed of members who are independent and free of any conflict, including conflicts of interest, with respect to manufacturers, medical managed care entities, and pharmacy benefit managers;

(II) The clinically appropriate dispensing of covered outpatient drugs.

(III) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

(1) the State's drug use review board established under subsection (g)(3) may serve as the pharmacy and therapeutics committee required under such clause if such board meets the requirements of clauses (i) and (iii).

(2) The State reviews and has final approval of the formulary established by the pharmacy and therapeutics committee.

(3) If the Secretary determines it appropriate or necessary based on the findings and recommendations of the Comptroller General of the United States in the report submitted to Congress under section 203 of the Prescription Drug Pricing Reduction Act of 2022, the Secretary shall issue guidance that States must follow for establishing conflict of interest policies for the pharmacy and therapeutics committee in accordance with the requirements of clause (ii), including appropriate standards and requirements for identifying, addressing, and reporting on conflicts of interest.

(4) The application to Medicaid managed care organizations described in clause (i) of section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396m(2)(A)) is amended—

(A) by striking “(and)” and inserting “and”;

(B) by striking the period at the end and inserting “, and”;

(C) by moving the first margin 2 ems to the left;
“(III) be made up of at least 1/3 but no more than 51 percent members who are licensed and actively practicing physicians and at least 1/3 members who are licensed and actively practicing pharmacists; and

“(IV) include at least 1 actively practicing physician and at least 1 actively practicing pharmacist, each of whom has expertise in the care of Medicaid-specific populations such as elderly or disabled individuals, children with complex medical needs, or low-income individuals with chronic illnesses;

“(III) Conflict of Interest Policy.—The State shall establish and implement a conflict of interest policy for the DUR Board that—

“(I) is publicly accessible;

“(II) requires all board members to complete, on an annual basis, a disclosure of relationships, associations, and financial dealings that may affect their independence of judgement in board matters; and

“(III) contains clear processes, such as recusal from voting or discussion, for those members who report a conflict of interest, along with appropriate processes to address any conflicts a member fails to report a conflict of interest.”;

and

(2) by adding at the end the following new subparagraph:

“(E) DUR Board Membership Report.—The State shall require the DUR Board to submit to the Secretary an annual report on the DUR Board’s structure and operation. Such report shall include any conflicts of interest with respect to members of the DUR Board that the DUR Board recorded or was aware of during the period that is the subject of the report, and the process applied to address such conflicts of interest, in addition to any other reports required under subsection (d)(4)(A).”.

(b) Report.—Not later than 24 months after the date of enactment of this Act, the Secretary will take to enforce such requirements, including those necessary to guard against conflicts of interest on DUR Boards and P&T Committees and to ensure compliance with the requirements of titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq.) and access to effective, clinically appropriate, and medically necessary drug treatments for Medicaid beneficiaries.

(c) Development of National Standards for Medicaid Drug Use Review.—The Secretary of Health and Human Services may promulgate regulations or guidance establishing national standards for Medicaid drug use review programs under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) and drug utilization review activities and requirements under section 1927(i) of such Act (42 U.S.C. 1396r–2(i)), for the purpose of aligning review criteria for prospective and retrospective drug use review across all State Medicaid programs.

(d) CMS Guidance.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance—

(1) outlining steps that States must take to come into compliance with statutory and regulatory requirements for prospective and retrospective drug use review under section 1927(g) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) and drug utilization review activities and requirements under section 1927(i) of such Act (42 U.S.C. 1396r–2(i)) (including the timeframes to requirements that were in effect before the date of enactment of this Act); and

(2) describing the actions that the Secretary will take to enforce such requirements.

(e) Effective Date.—The amendments made by this section shall take effect on the date that is 18 months after the date of enactment of this Act.

SEC. 203. GAO REPORT ON CONFLICTS OF INTEREST IN STATE MEDICAID PROGRAM DRUG USE REVIEW BOARDS AND PHARMACY AND THERAPEUTICS (P&T) COMMITTEES.

(a) Investigation.—The Comptroller General of the United States shall conduct an investigation of potential or existing conflicts of interest among members of State Medicaid program State drug use review boards (in this section referred to as “DUR Boards”) and pharmacy and therapeutics committees (in this section referred to as “P&T Committees”).

(b) Report.—Not later than 24 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the investigation conducted under subsection (a) that includes the following:

(1) A description outlining how DUR Boards and P&T Committees operate in States, including details with respect to—

(A) the structure and operation of DUR Boards and P&T Committees;

(B) States that operate separate P&T Committees for their fee-for-service Medicaid program and their Medicaid managed care organizations, or other Medicaid managed care arrangements (including other specified entities (as defined in section 1902(m)(9)(D)(i) of the Social Security Act (42 U.S.C. 1396r–2(ii))) to which requirements were referred to in this section as “Medicaid MCOs”); and

(C) States that allow Medicaid MCOs to have access to the extent to which pharmacy benefit managers administer or participate in such P&T Committees.

(2) A description outlining the differences between DUR Boards established in accordance with section 1927(g)(3) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)) and P&T Committees established under this section.

(3) A description outlining the tools P&T Committees may use to determine Medicaid drug coverage and utilization management policies.

(4) An analysis of whether and how States or P&T Committees establish participation and independence requirements for DUR Boards, P&T Committees, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(b) Description Outlining How States, DUR Boards, or P&T Committees Define Conflicts of Interest.—A description of how DUR Boards and P&T Committees address conflicts of interest, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(4) Analysis of whether and how States, DUR Boards, or P&T Committees define conflicts of interest.

(b) A description of how DUR Boards and P&T Committees address conflicts of interest, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(4) A description of how DUR Boards and P&T Committees define conflicts of interest.

(b) A description of how DUR Boards and P&T Committees address conflicts of interest, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(4) A description of how DUR Boards and P&T Committees define conflicts of interest.

(b) A description of how DUR Boards and P&T Committees address conflicts of interest, including with respect to entities with connections with drug manufacturers, State Medicaid programs, managed care organizations, and other entities or individuals in the pharmaceutical industry.

(4) A description of how DUR Boards and P&T Committees define conflicts of interest.
"(I) REPORT TO CONGRESS.—The Secretary shall, not later than 18 months after date of enactment of this subparagraph, submit a report to the Committee on Energy and Commerce (a) to the House of Representatives and the Committee on Finance of the Senate regarding additional regulatory or statutory changes that may be required in order to ensure timely reporting and oversight of manufacturer price and drug product information, including whether changes should be made to reasonable assumption requirements to ensure such assumptions are reasonable and accurate or whether another methodology for ensuring accurate and timely reporting of price and drug product information is considered to ensure the integrity of the drug rebate program under this section.

"(II) ANNUAL REPORTS.—The Secretary shall, on at least an annual basis, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate summarizing the results of the audits and surveys conducted under this subparagraph during the period that is the subject of the report.

"(III) CONTENT.—Each report submitted under subclause (II) shall, with respect to the period that is the subject of the report, include summaries of—

"(a) the changes in the price, drug product, and other relevant information supplied by manufacturers under subparagraph (A);

"(b) the timeliness with which manufacturers, wholesalers, and direct sellers provide information required under subparagraph (A) or under clause (i) or (ii) of this subparagraph;

"(c) the number of manufacturers, wholesalers, and direct sellers and drug products audited under this subparagraph;

"(d) the types of price and drug product information provided to the audits conducted under this subparagraph;

"(e) the tools and methodologies employed in such audits;

"(f) the findings of such audits, including which manufacturers, if any, were penalized under this subparagraph; and

"(g) such other relevant information as the Secretary determines appropriate.

"(IV) PROTECTION OF INFORMATION.—In preparing a report required under subclause (II), the Secretary shall not disclose to any entity the information described in clause (i) or (ii) of this subparagraph.

"(V) APPROPRIATIONS.—Out of any funds in the Treasury, or otherwise appropriated, there is appropriated to the Secretary $2,000,000 for fiscal year 2022 and each fiscal year thereafter to carry out this subparagraph.

"(E) EFFECTIVE DATE.—The amendments made by this subparagraph shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

(b) INCREASED PENALTIES FOR NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—

"(1) INCREASED PENALTY FOR FAILURE TO PROVIDE TIMELY INFORMATION.—Section 1927(b)(3)(C)(i) of the Social Security Act (42 U.S.C. 1396b–8(b)(3)(C)(i)) is amended by striking "(b)" and inserting "(b)".

"(2) INCREASED PENALTY FOR KNOWINGLY REPORTING FALSE INFORMATION.—Section 1927(b)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396b–8(b)(3)(C)(ii)) is amended by striking "$500,000" and inserting "$5,000,000".

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first fiscal quarter that begins after the date of enactment of this Act.

"(C) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this subsection shall be construed to affect the applicability of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) to conduct undertaken under section 1927 of the Social Security Act (42 U.S.C. 1396–1).

SEC. 205. APPL YING MEDICAID DRUG REBATE REQUIREMENTS TO DRUGS PROVIDED AS PART OF OUTPATIENT HOSPITAL SERVICES.

"(a) IN GENERAL.—Section 1927(k)(3) of the Social Security Act (42 U.S.C. 1396b–8(k)(3)) is amended to read as follows:

"(B) OTHER EXCLUSIONS.—Such term also includes—

"(I) ingredient cost; and

"(II) any payment made by the entity or the PBM (as applicable) for such a drug—

"(i) is limited to—

"(I) ingredient cost; and

"(II) professional dispensing fee that is less than the professional dispensing fee that the State plan or waiver would pay if the plan or waiver was making the payment directly;

"(ii) is passed through in its entirety by the entity or the PBM to the pharmacy that dispenses the drug; and

"(iii) is made in a manner that is consistent with section 1902(a)(30)(A) and sections 447.312, 447.314, and 447.318 of title 42, Code of Federal Regulations (any successor regulations) as if such requirements applied directly to the entity or the PBM;

"(B) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or the PBM is limited to a reasonable administrative fee that covers the reasonable cost of providing such services;

"(C) the entity or the PBM (as applicable) shall make available to the State, and the Secretary upon request, all costs and payments made by the pharmacy, other covered outpatient drugs and accompanying administrative services incurred, received, or made by the entity or the PBM, including ingredient costs, professional dispensing fees, post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees, and any and all other remuneration; and

"(D) any amount of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) is in excess of the amount paid to the pharmacies on behalf of the entity, including any post-sale or post-invoice fees, discounts, effective rate contract adjustments, or related adjustments such as direct and indirect remuneration fees or assessments (after allowing for a reasonable administrative fee as described in subparagraph (B)) is not allowable for purposes of claiming Federal matching payments under this title.

(b) EFFECTIVE DATE; IMPLEMENTATION GUIDANCE.—

"(I) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

"(b) IMPLEMENTATION AND GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance and related regulations for implementing this section.

"(I) MANUFACTURERS.—Each manufacturer (as defined in section 1927(k)(5) of the Social Security Act (42 U.S.C. 1396b–8(k)(5)), and other relevant stakeholders, including health care providers, regarding implementation of the amendment made by subsection (a).

"(II) PROVIDING PASS-THROUGH PRICING INFORMATION.—

"(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended by adding at the end the following:

"(2) CONFORMING AMENDMENT.—Section 1927(k)(3)(C)(xi) of such Act (42 U.S.C. 1396b–8(k)(3)(C)(xi)) is amended by section 201(b)(1), is amended—

"(A) by striking "and (IV)" and inserting "and (IV)"; and

"(B) by inserting before the period at the end the following: "and (V) pharmacy benefit management services provided by the entity, or provided by a pharmacy benefit manager on behalf of the State or entity, or provided by a contract or other arrangement between the entity and the pharmacy benefit manager, shall
(3) **Effective date.**—The amendments made by this subsection apply to contracts between the Secretary and managed care entities that other specified entities, or pharmacy benefit managers that are entered into or renewed on or after the date that is 18 months after the date of enactment of this Act.

(b) **Survey of Retail Prices.**—

(1) **In general.**—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(A) by striking “and” after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through “(i)” and inserting the following:

“(i) Survey of Retail Prices.—The Secretary shall conduct a survey of retail community drug prices, to include at least the national average drug acquisition cost, as follows:

“(A) Use of Vendor.—The Secretary may contract services for—

(i) with respect to retail community pharmacies, the determination on a monthly basis of retail survey prices of the national average drug acquisition cost for covered outpatient drugs for such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received by such pharmacies from all sources of payment, including third parties, and, to the extent available, the usual and customary charges to communities for such drugs; and

(ii) by adding at the end of paragraph (1) the following:

“(F) Survey Reporting.—In order to meet the requirements of section 1902(a)(54), a State shall require that any retail community pharmacy in the State that receives any payment, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity for the sale or delivery of pharmacy products, shall—

(i) provide information for each pharmacy included in the survey including a list of pharmacies in compliance with subparagraph (F); and

(ii) The sampling frame and number of pharmacies sampled monthly.

(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or rural location, and dispensing volume.

(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain operated pharmacies.

(v) Information on price concessions, including on and off invoice discounts, rebates, and other price concessions.

(vi) The average professional dispensing fees paid.

(D) Penalties.—

(1) **Failure to provide timely information.**—A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty not to exceed 100,000 for each item of false information.

(2) **Other penalties.**—Any civil money penalty under paragraph (a) shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

(3) **Survey of Specialty Drugs and Pharmacies.**—

(i) **In general.**—Not later than 18 months after the effective date of this subparagraph, the Secretary shall submit a report to Congress examining specialty drug coverage and reimbursement under this title.

(ii) **Content of report.**—Such report shall include a description of how State Medicaid programs define specialty drugs, how much State Medicaid programs pay for specialty drugs, how States and managed care plans determine specialty drugs, the settings in which specialty drugs are dispensed (such as retail community pharmacies or specialty pharmacies), whether acquisition costs for specialty drugs captured in the national average drug acquisition cost survey, and recommendations as to whether specialty pharmacies should be included in the survey of retail prices to ensure national average drug acquisition costs capture drugs sold at specialty pharmacies and how such specialty pharmacies should be defined.

(c) **In paragraph (2)—

(i) in subparagraph (A), by inserting “, including payment rates under Medicaid managed care plans,” after “under this title;” and

(ii) in subparagraph (B), by inserting “and” after “dispensed”;

(d) **In paragraph (4), by inserting “, and” after “5,000,000,000 for fiscal year 2023 and each fiscal year thereafter,” after “2019.”

(2) **Effect of amendment.**—The amendments made by this subsection take effect on the 1st day of the 1st quarter that begins on or after the date of enactment of this Act.

(c) **Manufacturing Reporting of Wholesale Acquisition Cost.**—Section 1927(b)(3) of such Act (42 U.S.C.1396r–8(b)(3)) is amended—

(1) **Required content.**—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent that the Secretary determines that there is sufficient data available, a report required under subsection (a) for a calendar year 2023, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(2) **Content of report.**—Each report required under subsection (a) for a calendar year shall include the following information with respect to each State (and, to the extent that the Secretary determines that there is sufficient data available, a report required under subsection (a) for a calendar year 2023, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall publish on a website of the Centers for Medicare & Medicaid Services that is accessible to the public a report of the most recently available data on patterns related to prescriptions filled by providers and reimbursed under the Medicaid program.

(i) **Within specialties and subspecialties, as defined by the Secretary;**

(ii) **By episodes of care for—

(i) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(ii) procedural groupings; and

(iii) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of the individual), gender, and age;

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(b) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care pharmacy pricing patterns, including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver.

(1) across all available forms or models of reimbursement used under the plan or waiver;

(2) within specialties and subspecialties, as defined by the Secretary;

(3) by episodes of care for—

(i) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;

(II) procedural groupings; and

(III) rare disease diagnosis codes (except where the inclusion of such information would jeopardize the privacy of the individual), gender, and age; and

(v) by patient high-utilizer or risk status; and

(vi) by high and low resource settings by facility and place of service categories, as determined by the Secretary.

(b) In the case of medical assistance for covered outpatient drugs (as so defined) provided under a State Medicaid plan or waiver of such plan in a managed care setting, an analysis of the differences in managed care pharmacy pricing patterns, including drugs prescribed on a fee-for-service basis and drugs prescribed under managed care arrangements under such plan or waiver.

(1) across all available forms or models of reimbursement used under the plan or waiver;

(2) within specialties and subspecialties, as defined by the Secretary;

(3) by episodes of care for—

(i) each chronic disease category, as defined by the Secretary, that is represented in the 10 conditions that accounted for the greatest share of total spending under the plan or waiver during the year that is the subject of the report;
(A) a description of prescription utilization management tools under State programs to provide long-term services and supports under a State Medicaid plan or a waiver of such plan and the Code of Federal Regulations (42 U.S.C. 1315) and the models applicable to the populations that are not covered under the waiver;

(B) a comparison of prescription utilization management tools employed by different Medicaid managed care organizations, pharmacy benefit managers, and related entities in the State;

(C) a description of the prescription utilization management tools applicable to each enrollment category under a State Medicaid plan or waiver;

(D) a comparison of the prescription utilization management tools applicable under the State Medicaid plan or waiver by patient high-utilizer or risk status.

(3) ADDITIONAL ANALYSIS.—To the extent practicable, the Secretary shall include in each report published under subsection (a)—

(A) a description of patterns of Medicaid population-based prescribing behaviors (including an analysis of the impact of non-filled prescriptions on identification); and

(B) recommendations for administrative or legislative action to improve the effectiveness of, and reduce costs for, covered outpatient drugs under Medicaid while ensuring timely beneficiary access to medically necessary covered outpatient drugs.

(4) USE OF T-MSIS DATA.—Each report required under subsection (a) shall, to the extent practicable—

(1) be prepared using data and definitions from the Medicaid Statistical Information System (‘‘T-MSIS’’) data set (or a successor data set) that is not more than 24 months old on the date that the report is published; and

(2) as appropriate, include a description with respect to each State of the quality and completeness of the data, as well as any necessary caveats describing the limitations of the data reported to the Secretary by the State that are sufficient to communicate the appropriate uses for the information.

(d) USE OF DATA.—Each report required under subsection (a) shall be prepared by the Administrator for the Centers for Medicare & Medicaid Services.

(2) AS APPLICABLE.—For fiscal year 2022 and each fiscal year thereafter, there is appropriated to the Secretary $2,000,000 to carry out this section.

SEC. 208. RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS FOR COVERED OUTPATIENT DRUGS UNDER MEDICARE.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r-8) is amended by adding at the end the following new subsection:

‘‘(i) STATE OPTION TO PAY FOR COVERED OUTPATIENT DRUGS THROUGH RISK-SHARING VALUE-BASED AGREEMENTS.—

‘‘(1) IN GENERAL.—Beginning January 1, 2024, a State shall have the option to pay (whether on a fee-for-service or managed care basis) for covered outpatient drugs that are penicillin and the Social Security Act for one-time use that are administered to individuals under this title by entering into a risk-sharing value-based payment agreement with or on behalf of a State Medicaid plan or a waiver of such plan and the Code of Federal Regulations (42 U.S.C. 1315) and the models applicable to the populations that are not covered under the waiver.

‘‘(2) SECRETARIAL APPROVAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the State unless the following requirements are met:

‘‘(I) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT.—(II) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such an agreement are applicable to populations that are not covered under the waiver.

‘‘(II) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

‘‘(III) LAUNCH AND LIST PRICE JUSTIFICATION.—The Chief Actuary shall make the certifications required under this clause based on the most recently available and reliable drug pricing and product information. The State and manufacturer shall submit to the Administrator all data and reports, and the Secretary shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such an agreement are applicable to populations that are not covered under the waiver.

‘‘(IV) CONFIDENTIALITY OF INFORMATION.—(I) IN GENERAL.—Subparagraphs (C) and (D) of subsection (b)(3) shall apply to a manufacturer that fails to submit the information and documentation required under clauses (i) and (ii). The Chief Actuary shall not be required to provide estimates based on the information and documentation required under clauses (i) and (ii) to the Secretary that the manufacturer is interested in entering into such an agreement with respect to such drug. The decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the Secretary and shall only be effective upon Secretarial approval as required under this subsection.

‘‘(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

‘‘(I) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug that shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that it is interested in entering into such an agreement with respect to such drug, the decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the Secretary and shall only be effective upon Secretarial approval as required under this subsection.

‘‘(A) IN GENERAL.—A State shall submit a request to the Secretary to enter into a risk-sharing value-based payment agreement, and the Secretary shall not approve a proposed risk-sharing value-based payment agreement between a State and a manufacturer for payment for a covered outpatient drug of the State unless the following requirements are met:

‘‘(I) MANUFACTURER HAS IN EFFECT A REBATE AGREEMENT AND IS IN COMPLIANCE WITH SUCH AGREEMENT.—(II) TIMING.—The Secretary shall consult with the Commissioner of Food and Drugs to determine whether the relevant clinical parameters specified in such an agreement are applicable to populations that are not covered under the waiver.

‘‘(III) NO EXPECTED INCREASE TO PROJECTED NET FEDERAL SPENDING.—(I) IN GENERAL.—The Chief Actuary certifies that the projected payments for each covered outpatient drug under a proposed risk-sharing value-based payment agreement is expected to result in greater estimated Federal spending under this title than the net Federal spending that would result in the absence of such agreement.

‘‘(IV) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

‘‘(I) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug that shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that it is interested in entering into such an agreement with respect to such drug, the decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the Secretary and shall only be effective upon Secretarial approval as required under this subsection.

‘‘(B) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—

‘‘(I) IN GENERAL.—In the case of a manufacturer of a covered outpatient drug that shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that it is interested in entering into such an agreement with respect to such drug, the decision to submit and timing of a request to enter into a proposed risk-sharing value-based payment agreement shall remain solely within the discretion of the Secretary and shall only be effective upon Secretarial approval as required under this subsection.

‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

(A) IN GENERAL.—Subject to subparagraph (B), a manufacturer of a covered outpatient drug shall not be eligible to enter into a risk-sharing value-based payment agreement under this subsection with respect to such drug unless the manufacturer notifies the Secretary that it is interested in entering into such an agreement with respect to such drug.

‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;

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‘‘(II) TIMING OF FIRST PAYMENT.—The State shall make the first of the installment payments described in subparagraph (A) or any other alternative date or time frame (as otherwise specified in the agreement), the covered outpatient drug which is subject to the agreement fails to meet a relevant clinical parameter of the agreement, the agreement shall provide that the installment payment shall not be made;
more than 90 days after meeting with the Food and Drug Administration following phase II clinical trials for such drug (or, in the case of a drug described in clause (ii), not later than August 6, 2022), the manufacturer must notify the Secretary of the manufacturer’s intent to enter into a risk-sharing value-based payment agreement under this subsection. The manufacturer may share with such State any risk-sharing value-based payment agreement under this section. A manufacturer notification of interest shall not have any influence on a decision for drug approval by the Food and Drug Administration.

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effect with respect to a single State, the confidentiality of information provisions described in subsection (b)(3)(D) shall apply to such information.

(8) MODIFICATIONS.—Nothing in this subsection or any regulations promulgated under this subsection shall prohibit a State from requesting a modification from the Secretary to the terms of a risk-sharing value-based payment agreement. A modification that is expected to result in any increase to projected State or Federal spending under the agreement shall be subject to certification by the Chief Actuary as described in paragraph (2)(A)(ii) before the modification is approved.

(9) REBATE AGREEMENTS.—Nothing in this subsection shall be construed as requiring a State to enter into a risk-sharing value-based payment agreement or as limiting or superseding the ability of a State to enter into a supplemental rebate agreement for a covered outpatient drug.

(C) FFP FOR PAYMENTS UNDER RISK-SHARING VALUE-BASED PAYMENT AGREEMENTS.—Federal financial participation shall be available under this title for any payment made by a State to a manufacturer for a covered outpatient drug under a risk-sharing value-based payment agreement in accordance with this subsection, except that no Federal financial participation shall be available for any payment made by a State to a manufacturer under such an agreement on an installment basis.

(D) CONTINUED APPLICATION OF OTHER PROVISIONS.—Except as expressly provided in this subsection, nothing in this subsection or in any regulations promulgated under this subsection shall affect the application of any other provision of this Act.

(E) APPROPRIATIONS.—For fiscal year 2022 and each fiscal year thereafter, there are appropriated to the Secretary $5,000,000 for the purpose of carrying out this subsection.

(F) CHIEF ACTUARY.—The term ‘Chief Actuary’ means the Chief Actuary of the Centers for Medicare & Medicaid Services.

(G) INSTALLMENT YEAR.—The term ‘installment year’ means, with respect to a risk-sharing value-based payment agreement, a 12-month period during which a covered outpatient drug is administered under the agreement.

(H) POTENTIALLY CURATIVE TREATMENT INTENDED FOR ONE-TIME USE.—The term ‘potentially curative treatment intended for one-time use’ means a treatment that consists of the administration of a covered outpatient drug that—

(1) is a form of gene therapy for a rare disease, as defined by the Commissioner of Food and Drugs, designated under section 526 of the Federal Food, Drug, and Cosmetics Act, and approved under section 505 of such Act or licensed under subsection (a) or (k) of section 351 of the Public Health Service Act to treat a serious or life-threatening disease or condition;

(2) if administered in accordance with the labeling of such drug, is expected to result in either—

(i) the cure of such disease or condition; or

(ii) a reduction in the symptoms of such disease or condition to the extent that such disease or condition is expected not to lead to early mortality; or

(3) is expected to achieve a result described in clause (ii), which may be achieved over an extended period of time, after not more than 3 years.

(R) RELEVANT CLINICAL PARAMETER.—The term ‘relevant clinical parameter’ means, with respect to a covered outpatient drug that is the subject of a risk-sharing value-based payment agreement—

(1) a clinical endpoint specified in the drug’s labeling or supported by one or more of the compendia described in section 1861(t)(2)(B)(ii) that—

(i) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

(ii) is required to be achieved (based on observed metrics in patient populations) under the terms of the agreement; or

(2) a surrogate endpoint (as defined in section 507(e)(9) of the Federal Food, Drug, and Cosmetic Act), including those developed by patient-focused drug development tools that—

(i) is able to be measured or evaluated on an annual basis for each year of the agreement on an independent basis by a provider or other entity; and

(ii) has been qualified by the Food and Drug Administration.

(B) MODIFIED AMOUNT UNDER MEDICAID DRUG REBATE AGREEMENT.—The term ‘risk-sharing value-based payment agreement’ means an agreement between a State plan and a manufacturer—

(1) for the purchase of a covered outpatient drug of the manufacturer that is a potentially curative treatment intended for one-time use;

(2) under which payment for such drug shall be made pursuant to an installment-based payment agreement that meets the requirements of paragraph (3);

(3) in which conditions payment on the achievement of at least 2 relevant clinical parameters (as defined in subparagraph (C));

(4) which is subject to the following:

(i) the State plan will directly reimburse the manufacturer for the drug;

(ii) a third party will reimburse the manufacturer in a manner approved by the Secretary;

(iii) is approved by the Secretary in accordance with paragraph (2).

(F) TOTAL INSTALLMENT YEAR AMOUNT.—The term ‘total installment year amount’ means, with respect to a risk-sharing value-based payment agreement for the purchase of a covered outpatient drug and an installment year, an amount equal to the product of

(1) the unit price of the drug charged under the agreement; and

(2) the number of units of such drug administered under the agreement during such installment year.

(b) CONFIRMING AMENDMENTS.—

(1) Section 1903(c)(10)(A) of the Social Security Act (42 U.S.C. 1396b(c)(10)(A)) is amended by—

(A) striking ‘or unless section 1927(a)(3) applies with respect to such drugs, or such drugs are the subject of a risk-sharing value-based payment agreement under section 1927(1)’; and

(b) Section 1927(b) of the Social Security Act (42 U.S.C. 1396b–6(b)) is amended—

(1) in paragraph (2) by inserting ‘or excluding any drugs for which payment is made by a State under a risk-sharing value-based payment agreement under subsection (i)(II)’ for ‘or covering such drugs’; and

(B) in paragraph (3)—

(i) in subparagraph (C)(i), by inserting ‘or subsection (B)(ii)(A)’ after subparagraph (A) and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting ‘, under subsection (i)(2)(A),’ after ‘under this paragraph’.

SEC. 209. MODIFICATION OF MAXIMUM REBATE AMOUNT UNDER MEDICAID DRUG REBATE AGREEMENTS.

(a) IN GENERAL.—Subparagraph (D) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396b–8(c)(2)) is amended to read as follows:

(‘D) MAXIMUM REBATE AMOUNT.—

(1) IN GENERAL.—Except as provided in clause (ii), in no case shall the amount applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period exceed—

(i) for rebate periods beginning after December 31, 2009, and before September 30, 2024, 100 percent of the average manufacturer price of the drug; and

(ii) for rebate periods beginning on or after October 1, 2024, 125 percent of the average manufacturer price of the drug.

(b) NO MAXIMUM AMOUNT FOR DRUGS IF AMP INCREASES OUTPAUTE INFLATION.—

(1) IN GENERAL.—If the average manufacturer price with respect to each dosage form and strength of a single source drug or an innovator multiple source drug increases on or after October 1, 2023, and such increased average manufacturer price exceeds the inflation-adjusted average manufacturer price determined with respect to such drug under subsection (B) for the rebate period, clause (i) shall not apply and there shall be no limitation on the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of the single source drug or innovator multiple source drug.

(2) INFLATION-ADJUSTED AVERAGE MANUFACTURER PRICE DEFINED.—In this clause, the term ‘inflation-adjusted average manufacturer price’ means, with respect to a single source drug or an innovator multiple source drug and a rebate period, the average manufacturer price for each dosage form and strength of the drug for the calendar quarter beginning July 1, the following calendar year, or an equivalent period, regardless of whether or not the drug has been sold or transferred to an entity, including a division or subsidiary of the manufacturer, after the first day of such quarter, increased by the percentage by which the consumer price index for all urban consumers (United States city average) for the month before the rebate period in which the rebate period begins exceeds such index for September 1990.’.’

(b) TREATMENT OF SUBSEQUENTLY APPROVED DRUGS.—Section 1927(c)(2)(H) of the Social Security Act (42 U.S.C. 1396b–8(c)(2)(H)) is amended by inserting ‘and clause (i)(II) of subparagraph (D)’ after clause (ii)(I) of subsection (D).

(c) TECHNICAL AMENDMENTS.—Section 1927(c)(3)(C)(i)(IV) of the Social Security Act
SA 5485. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; which was ordered to lie on the table; as follows:

Strike section 13031 and insert the following:

SEC. 13031. REPEAL OF MODIFICATION OF EXCEPTIONS FOR REPORTING OF THIRD PARTY NETWORK TRANSACTIONS.

(a) In General.—Section 6060W(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(e) Exception for De Minimis Payments by Third Party Settlement Organizations.—

"(1) In General.—A third party settlement organization shall be required to report any information under subsection (a) with respect to payments for any calendar year beginning after September 30, 2031.

"(2) Effective Date.—

"(i) In general.—The amendment made by subsection (a) shall apply to returns for calendar years beginning after December 31, 2021.

"(ii) Exception.—Subsection (a) shall not apply, and

"(iii) the amount described in subsection (d)(3)(A)(iii)'.".

SA 5486. Mr. MERKLEY (for himself and Ms. BERNSEN) submitted an amendment intended to be proposed to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, which was ordered to lie on the table; as follows:

On page 378, strike line 6 and all that follows through page 381, line 5, and insert the following:

(g) Transfer of Credit.—

"(1) In general.—Section 30D is amended—

"(A) by redesignating subsection (g) as subsection (h), and

"(B) by inserting after subsection (f) the following:

"(g) Transfer of Credit.—

"(1) Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquires a new clean vehicle elects under subsection (c) of this section with respect to such vehicle, the credit which would (but for this subsection) be allowed to such taxpayer with respect to such vehicle shall be allowable to the eligible entity specified in such election (and not to such taxpayer).

"(2) Eligible Entity.—For purposes of this subsection, the term 'eligible entity' means, with respect to the vehicle for which the credit is allowed under subsection (a), the dealer which sold such vehicle to the taxpayer and has—

"(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time and in such form and manner, as the Secretary may prescribe,

"(B) prior to the election described in paragraph (1) and not later than at the time of such sale, disclose to the taxpayer purchasing such vehicle—

"(i) the manufacturer's suggested retail price,

"(ii) the value of the credit allowed and any other incentive available for the purchase of such vehicle, and

"(iii) the amount provided by the dealer to such taxpayer as a condition of the election described in paragraph (1).

"(C) not later than at the time of such sale, made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such vehicle) in an amount equal to the credit otherwise allowable to such taxpayer, and

"(D) with respect to any incentive otherwise available for the purchase of a vehicle by a consumer for which a consumer has entered into a contract with a third party settlement organization, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer.

"(2) Availability or Use of Such Incentive.—(B)(i) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

"(ii) such election shall not limit the value or use of such incentive.

"(3) Timing.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the vehicle for which the credit is allowed under subsection (a) is purchased.

"(4) Revocation of Registration.—Upon determination by the Secretary that a dealer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such dealer.

"(5) Tax Treatment of Payments.—With respect to any payment described in paragraph (2)(C), such payment—

"(A) shall not be included in the gross income of the taxpayer,

"(B) with respect to the dealer, shall not be deductible under this title.

"(6) Application of Certain Other Requirements.—In the case of any election under paragraph (1) with respect to any vehicle—

"(A) the requirements of paragraphs (1) and (2) of subsection (f) shall apply to the taxpayer who acquired the vehicle in the same manner as if the credit determined under this section with respect to such vehicle were allowable to such taxpayer,

"(B) paragraph (6) of such subsection shall not apply, and

"(C) the requirement of paragraph (9) of such subsection shall be treated as satisfied if the eligible entity provides the vehicle identification number of such vehicle to the Secretary in such manner as the Secretary may provide.

"(7) Advance Payment to Registered Dealers.—

"(A) In General.—The Secretary shall establish the advance payment to any eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicle for which an election described in paragraph (1) has been made.

SEC. 50261. MINERAL LEASING ACT MODERNIZATION.

(a) Oil and Gas Minimum Royalties.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226a) is amended—

"(1) in paragraph (1)(B), in the first sentence, by striking '32' and inserting 'a period of 2 years from the date of enactment of the Federal Onshore Oil and Gas Leasing Reform
Act of 1967," and inserting “$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14,'”.

(2) in paragraph (2)(C), by striking "$2 per acre” and inserting "$10 per acre”.

(b) Fossil Fuel Rental Rates

(1) in section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)), paragraphs (3) and (5), by inserting after paragraph (4) "(6) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

(2) in subparagraph (B) following paragraph (14) the following new paragraph:

"(15) ADJUSTMENT FOR THE PRODUCTION OF PLANT AND ZOO BUILDING ENERGY CODE ADOPTION;

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) Assistance for Latest and Zero Building Energy Code Adoption—

(1) Appropriation.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection to carry out fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) $330,000,000, to remain available through September 30, 2022, for administrative expenses; and

(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6231 through 6236) in accordance with paragraph (3).

(2) Latest Building Energy Code.—The Secretary shall use funds made available under paragraph (1) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings; and

(B) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(iv) to implement a plan for the jurisdiction to achieve full compliance with any building energy code described in paragraph (1) in new and renovated residential or commercial buildings that is applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

Building Energy Code.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings; or

(B) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(iv) to implement a plan for the jurisdiction to achieve full compliance with any building energy code described in paragraph (1) in new and renovated residential or commercial buildings that is applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) Geological and geophysical expenditures.—In section 167(h), by inserting in paragraph (2)(C) the following:

"(i) geological and geophysical expenditures (within the meaning of section 167(h)).

(5) to modify and upgrade ports of entry to accommodate capabilities funded under this section.

At the end of part 1 of subtitle A of title I, add the following:

SEC. 1010—. ALLOWANCE OF CERTAIN DEPLETION AND DEDUCTION.

(a) In General.—Sec. 56A(c), as added by section 1001, is amended by redesignating paragraph (15) as paragraph (16) and by inserting after paragraph (14) the following new paragraph:

"(15) ADJUSTMENT FOR THE PRODUCTION OF PLANT AND ZOO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

SEC. 50131. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION; BLM PERMITTING ACTIVITIES.

(a) Assistance for Latest and Zero Building Energy Code Adoption—

(1) Appropriation.—In addition to amounts otherwise available, there is appropriated to U.S. Customs and Border Protection to carry out fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

"(A) $330,000,000, to remain available through September 30, 2022, for administrative expenses; and

"(B) $270,000,000, to remain available through September 30, 2029, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6231 through 6236) in accordance with paragraph (3).

(2) Latest Building Energy Code.—The Secretary shall use funds made available under paragraph (1)(A) for grants to assist States, and units of local government that have authority to adopt building codes—

(A) to adopt a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings; and

(B) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or achieves equivalent or greater energy savings; or

(iii) any combination of building energy codes described in clause (i) or (ii); and

(iv) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential or commercial buildings that is applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

SEC. 1010.—. PERMANENT EXTENSION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC., TAXES.

(a) In General.—Paragraph (8) of section 164(b) is amended by striking “, and before January 1, 2020” and inserting “the amendment made by this section shall apply to taxable years beginning after December 31, 2022, and before January 1, 2027.”

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2022.
(B) to implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under subparagraph (A) in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(4) Appropriation.—The State cost share requirement under the item relating to ‘‘Department of Energy—Energy Conservation’’ in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861), shall not apply to assistance provided under this subsection.

(5) ADMINISTRATIVE COSTS.—Of the amounts made available under this subsection, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this subsection.

(b) BLM PERMITTING.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available through September 30, 2026, for the Bureau of Land Management to finalize outstanding permitting activities for projects that would facilitate access to nickel and cobalt deposits.

SA 5488. Mr. WARNER proposed an amendment to amendment SA 5194 proposed by Mr. SCHUMER to the bill H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14; as follows:

On page 545, strike line 1 and all that follows through page 547, line 17, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2022.

SEC. 13902. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.

(a) IN GENERAL.—Clause (1) of section 41(h)(4)(B) is amended—

(i) by striking ‘‘AMOUNT.—The amount,’’ and inserting ‘‘AMOUNT.—The amount and,’’

(ii) by striking ‘‘and,’’ and

(iii) by adding at the end the following new subparagraph:

‘‘(II) INCREASE.—In the case of taxable years beginning after December 31, 2022, the amount in clause (I) shall be increased by $250,000.’’

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ‘‘for a taxable year, there shall be allowed and inserting ‘‘for a taxable year—’’

(B) by striking ‘‘equal to so much of the’’

(C) by striking the period at the end and inserting ‘‘as does not exceed the limitation of subsection (I) of section 41(h)(4)(B)(ii) (applied without regard to subsection (II) thereof),’’ and’’;

(2) by adding at the end the following new subparagraph:

‘‘(B) there shall be allowed, and’’

‘‘(C) by striking the period at the end and inserting ‘‘as does not exceed the limitation of subsection (I) of section 41(h)(4)(B)(i) (applied without regard to subsection (II) thereof),’’ and’’;

(3) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ‘‘paragraph (1)’’ and inserting ‘‘paragraph (1)(A),’’

(B) by inserting ‘‘, and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by paragraph (1) (b) for any calendar quarter,’’ after ‘‘calendar quarter’’.

(C) Carryover.—Paragraph (3) of section 3111(f) is amended by striking ‘‘the credit’’ and inserting ‘‘the credits’’;

(D) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ‘‘credit’’ and inserting ‘‘credits’’;

(B) by striking ‘‘subsection (a)’’ and inserting ‘‘subsection (a) or (b)’’.

(C) AGREGATION RULES.—Clause (ii) of section 3111(f) is amended by striking ‘‘the $250,000 amount’’ and inserting ‘‘each of the $250,000 amounts’’.

(D) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2022.

PRIVILEGES OF THE FLOOR

Mr. SANDERS. Mr. President, I ask unanimous consent that the following staff members from my staff and from Senator GRAHAM’s staff be given all-access floor passes for the consideration of the bill: majority staff: Michael Jones, Joshua Smith, Tyler Evilsizer, Karla Platinter, and Billy Gendell; Republican staff: Nick Myers, Matthew Giroux, Matthew Joe Keeley, Becky Cole, and Craig Abele.

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

ORDERS FOR TUESDAY, AUGUST 9, 2022, THROUGH TUESDAY, SEPTEMBER 6, 2022

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that the Senate adjourn on Friday, August 26, at 10 a.m.; Tuesday, August 30, at 10 a.m.; Friday, September 2, at 9 a.m. I further ask that when the Senate adjourns on Friday, September 2, it next convene at 3 p.m., Tuesday, September 6; that following the prayer and pledge, the morning hour be deemed expired; that 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; that upon the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Lee nomination; further, that the cloture motions filed during today’s session ripen at 5:30 p.m. on Tuesday, September 6.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. SCHUMER. Madam President, I seek unanimous consent that the senior Senator from Maryland, Mr. CARDIN, be authorized to sign duly enrolled bills or joint resolutions from August 8, 2022, through September 6, 2022.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, AUGUST 9, 2022, AT 9 A.M.

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 748.

There being no objection, the Senate, at 3:42 p.m., adjourned until Tuesday, August 9, 2022, at 9 a.m., under the previous order and, pursuant to S. Res. 748, as a further mark of respect to the late Jackie Walorski, former Representative from Indiana.

DISCHARGED NOMINATION

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

DAVID M. UHLMAANN, OF MICHIGAN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

CONFRMATIONS

Executive nominations confirmed by the Senate August 6, 2022:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MONDE MUYANGWA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DEPARTMENT OF STATE

CONSTANCE J. MILSTEIN, OF NEW YORK, TO BE AMBASSADOR OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

CONFIRMATION

Executive nomination confirmed by the Senate August 7, 2022:
DEPARTMENT OF STATE

CARRIN F. PATMAN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PlENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.
HIGHLIGHTS

Senate passed H.R. 5376, Inflation Reduction Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S4051–S4400

Measures Introduced: Three bills and three resolutions were introduced, as follows: S. 4785–4787, and S. Res. 748–750.

Measures Passed:

Domestic Trafficking Victims’ Fund: Senate passed S. 4785, to extend by 19 days the authorization for the special assessment for the Domestic Trafficking Victims’ Fund.

Honoring the Life and Legacy of Representative Jackie Walorski: Senate agreed to S. Res. 748, honoring and celebrating the life and legacy of Representative Jackie Walorski.

Pro bono Work to Empower and Represent Act: Committee on the Judiciary was discharged from further consideration of S. 3115, to remove the 4-year sunset from the Pro bono Work to Empower and Represent Act of 2018, and the bill was then passed.

American Hellenic Educational Progressive Association 100th Anniversary: Committee on the Judiciary was discharged from further consideration of S. 675, commemorating the 100th Anniversary of the founding of the American Hellenic Educational Progressive Association, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Durbin (for Van Hollen) Amendment No. 5434, in the nature of a substitute.

Wisconsin Sikh Temple Attack: Senate agreed to S. Res. 749, recognizing the 10-year anniversary of the tragic attack that took place at the Sikh Temple of Wisconsin on August 5, 2012, and honoring the memory of those who died in the attack.

Korean War Wall of Remembrance: Senate agreed to S. Res. 750, celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022.

PAW Act: Senate passed S. 4205, to require the Administrator of the Federal Emergency Management Agency to establish a working group relating to best practices and Federal guidance for animals in emergencies and disasters, after agreeing to the committee amendment in the nature of a substitute.

Ball State University: Committee on the Judiciary was discharged from further consideration of S. Res. 698, honoring the dedication of the Ball family to providing college educations and celebrating their 100-year legacy at Ball State University, and the resolution was then agreed to.

Inflation Reduction Act: By 51 yeas to 50 nays, the Vice President voting yea (Vote No. 325), Senate passed H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, after agreeing to the motion to proceed, and taking action on the following amendments and motions proposed there-to:

Adopted:

By 57 yeas to 43 nays (Vote No. 323), Thune Amendment No. 5472 (to Amendment No. 5194), to remove harmful small business taxes.

By 51 yeas to 50 nays, the Vice President voting yea (Vote No. 324), Warner Amendment No. 5488 (to Amendment No. 5194), to strike the extension of the limitation on State and local taxes and extend the limitation on excess business losses of noncorporate taxpayers.

Schumer Modified Amendment No. 5194, in the nature of a substitute.

Rejected:

By 50 yeas to 50 nays (Vote No. 289), Graham Amendment No. 5301 (to Amendment No. 5194), to strike a tax increase that would result in higher consumer prices for gasoline, heating oil, and other energy sources for Americans earning less than $400,000 per year.
By 50 yeas to 50 nays (Vote No. 291), Barrasso Amendment No. 5409 (to Amendment No. 5194), to require certain additional onshore oil and gas lease sales in certain states. Pages S4172–77

By 3 yeas to 97 nays (Vote No. 292), Sanders/Merkley Modified Amendment No. 5211 (to Amendment No. 5194), to provide coverage for dental and oral health care, hearing care, and vision care under the Medicare program. Pages S4177–78

By 50 yeas to 50 nays (Vote No. 293), Capito Amendment No. 5382 (to Amendment No. 5194), to strike provisions concerning funding for certain activities under the Clean Air Act. Pages S4178–79

By 50 yeas to 50 nays (Vote No. 294), Lankford Amendment No. 5384 (to Amendment No. 5194), to provide additional funding for implementation of title 42. Page S4179

By 50 yeas to 50 nays (Vote No. 296), Crapo Amendment No. 5404 (to Amendment No. 5194), to prevent the use of additional Internal Revenue Service funds from being used for audits of taxpayers with taxable incomes below $400,000 in order to protect low- and middle-income earning American taxpayers from an onslaught of audits from an army of new Internal Revenue Service auditors funded by an unprecedented, nearly $80,000,000,000, infusion of new funds. Page S4180

By 50 yeas to 50 nays (Vote No. 297), Scott motion to commit the bill to the Committee on Finance with instructions to report back forthwith. Pages S4180–81

By 50 yeas to 50 nays (Vote No. 298), Marshall Amendment No. 5389 (to Amendment No. 5194), to protect patient access to current and future treatments for a range of serious conditions, such as cancer, Alzheimer’s disease, HIV/AIDS, Parkinson’s disease, and sickle cell disease, among numerous others. Page S4181

By 1 yea to 98 nays (Vote No. 299), Sanders/Merkley Amendment No. 5209 (to Amendment No. 5194), to establish a Civilian Climate Corps. Pages S4181–82

By 49 yeas to 51 nays (Vote No. 301), Grassley Amendment No. 5421 (to Amendment No. 5194), to amend the Internal Revenue Code of 1986 to modify the maximum capital gains tax rate, to provide a partial exclusion for interest received by individuals, to provide inflation adjustments for certain tax benefits. Page S4183

By 50 yeas to 50 nays (Vote No. 302), Collins motion to commit the bill to the Committee on Finance with instructions to report back forthwith. Pages S4183–84

By 50 yeas to 50 nays (Vote No. 303), Kennedy Amendment No. 5387 (to Amendment No. 4194), to require oil and gas lease sales in the outer Continental Shelf. Page S4184

By 50 yeas to 50 nays (Vote No. 304), Rubio motion to commit the bill to the Committee on the Judiciary with instructions to report back forthwith. Pages S4184–85

By 49 yeas to 51 nays (Vote No. 305), Lee Amendment No. 5316 (to Amendment No. 5194), to reduce funding for home energy performance-based, whole-house rebates and to provide funding for supplemental payments under the payments in lieu of taxes program. Pages S4185–86

By 50 yeas to 50 nays (Vote No. 306), Shelby Amendment No. 5418 (to Amendment No. 5194), to end the President’s War on Coal through the approval of coal leases. Page S4186

By 50 yeas to 50 nays (Vote No. 307), Scott (SC) motion to commit the bill to the Committee on Finance with instructions to report back forthwith. Pages S4186–87

By 1 yea to 97 nays (Vote No. 308), Sanders/Merkley Modified Amendment No. 5208 (to Amendment No. 5194), to extend the special rules for the child tax credit that applied for 2021 and to increase the corporate tax rate. Pages S4187–90

By 50 yeas to 50 nays (Vote No. 309), Cruz Amendment No. 5263 (to Amendment No. 5194), to strike the $80,000,000,000 slush fund for the Internal Revenue Service to prevent the hiring of 87,000 new Internal Revenue Service employees that will surveil and audit the private account information and transaction data of innocent Americans and small businesses. Page S4190

By 1 yea to 99 nays (Vote No. 312), Sanders/Merkley Amendment No. 5281 (to Amendment No. 5194), relative to zero-emission nuclear power production credit. Pages S4192–93

By 50 yeas to 50 nays (Vote No. 313), Kennedy Amendment No. 5385 (to Amendment No. 5194), to provide for discounted insulin for low- and middle-income Americans. Page S4193

By 49 yeas to 51 nays (Vote No. 315), Cruz motion to commit the bill to the Committee on Homeland Security and Governmental Affairs with instructions to report back forthwith. Pages S4194–95

By 50 yeas to 50 nays (Vote No. 316), Cruz motion to commit the bill to the Committee on the Judiciary with instructions to report back forthwith. Page S4195

By 50 yeas to 50 nays (Vote No. 317), Hoeven motion to commit the bill to the Committee on Finance with instructions to report back forthwith. Page S4195
By 50 yeas to 50 nays (Vote No. 318), Blackburn motion to commit the bill to the Committee on Agriculture, Forestry, and Nutrition with instructions to report back forthwith.

By 50 yeas to 50 nays (Vote No. 319), Rubio motion to commit the bill to the Committee on Health, Education, Labor, and Pensions with instructions to report back forthwith.

By 50 yeas to 50 nays (Vote No. 320), Sullivan Amendment No. 5435 (to Amendment No. 5194), to replace the funding for the Office of the Chief Readiness Support Officer with a $500,000,000 appropriation for the construction or improvement of primary pedestrian fencing and barriers along the southwest border.

By 50 yeas to 50 nays (Vote No. 321), Daines (for Graham) Amendment No. 5487 (to Amendment No. 5194), of a perfecting nature.

By 50 yeas to 50 nays (Vote No. 322), Haggerty motion to commit the bill to the Committee on the Judiciary with instructions to report back forthwith.

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 50 nays, Vice President voting yea (Vote No. 287), Senate agreed to the motion to proceed to consideration of the bill.

By 1 yea to 99 nays (Vote No. 288), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 313 of the Congressional Budget Act of 1974, with respect to Tester Amendment No. 5480 (to Amendment No. 5194), to establish a procedure for terminating a determination by Surgeon General to suspend certain entries and imports from designated places. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(A) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

By 49 yeas to 50 nays (Vote No. 300), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 904 of the Congressional Budget Act of 1974 and relevant budget resolutions, with respect to Tester Amendment No. 5383 (to Amendment No. 5194), to expedite consideration of permits and provide regulatory certainty for infrastructure and energy projects. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(D) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

By 5 yeas to 94 nays (Vote No. 310), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive all applicable sections of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, with respect to Warnock Amendment No. 5262 (to Amendment No. 5194), to make health care coverage available to low-income adults in States that have not expanded Medicaid. Subsequently, the point of order that the amendment was in violation of section 313(b)(1)(C) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

By 54 yeas to 46 nays (Vote No. 311), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 904 of the Congressional Budget Act and relevant budget resolutions, with respect to Cruz Amendment No. 5265 (to Amendment No. 5194), to provide for certain conditions on the export to China of crude oil from the Strategic Petroleum Reserve. Subsequently, the point of order that the amendment was in violation of section 4106 of the concurrent resolution on the budget for fiscal year 2018, H. Con. Res. 71 of the 115th Congress, the Senate pay-as-you-go point of order, was sustained, and the amendment thus fell.

By 57 yeas to 43 nays (Vote No. 314), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 904 of the Congressional Budget Act of 1974 and all applicable sections of that Act and applicable budget resolutions, with respect to
Chair sustained that the following points of order are sustained and the following provisions were in violation of section 313(b), and the language was stricken:

Graham point of order concerning page 43, lines 3–8 that the language was in violation of section 313(b)(1)(A); Graham point of order concerning page 1, line 3–5 that the language was in violation of section 313(b)(A); Graham point of order concerning page 547, line 18 through page 548, line 25, that the language was in violation of section 313(b)(1)(A); and Graham point of order concerning page 689, line 8–16 that the language was in violation of section 313(b)(1)(D).

Congressional Budget Resolution—Agreement: A unanimous-consent agreement was reached providing that for the duration of the Senate’s consideration of H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14, the Majority and Republican managers of the bill, while seated or standing at the managers’ desks, be permitted to deliver floor remarks, retrieve, review, and edit documents, and send email and other data communications from text displayed on wireless personal digital assistant devices and tablet devices; provided further that the use of calculators be permitted on the floor during consideration of the bill; and that the staff be permitted to make technical and conforming changes to the bill, if necessary, consistent with the amendments adopted during Senate consideration.

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that Senators Leahy and Cardin be authorized to sign duly enrolled bills or joint resolutions from August 8, 2022 through September 6, 2022.

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate adjourn, to then convene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, August 9, 2022, at 9 a.m.; Friday, August 12, 2022, at 9 a.m.; Tuesday, August 16, 2022, at 8 a.m.; Friday, August 19, 2022, at 2:30 p.m.; Tuesday, August 23, 2022, at 10:30 a.m.; Friday, August 26, 2022, at 10 a.m.; Tuesday, August 30, 2022, at 10 a.m.; Friday, September 2, 2022, at 9 a.m.; and that when the Senate adjourns on Friday, September 2, 2022, it next convenes on Tuesday, September 6, 2022, at 3 p.m.

Motion to Discharge Uhlmann Nomination: By 51 yeas to 39 nays (Vote No. 285), Senate agreed to the motion to discharge the nomination of David M. Uhlmann, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency, from the Committee on Environment and Public Works. Subsequently, the nomination was placed on the Executive Calendar pursuant to the provisions of S. Res. 27, relative to Senate procedure in the 117th Congress.

Lee Nomination—Cloture: Senate began consideration of the nomination of John Z. Lee, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Sunday, August 7, 2022, a vote on cloture will occur at 5:30 p.m., on Tuesday, September 6, 2022.

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

A unanimous-consent agreement was reached providing that Senate resume consideration of the nomination at approximately 3 p.m., on Tuesday, September 6, 2022; and that the cloture motions filed during the session of Sunday, August 7, 2022 ripened at 5:30 p.m.

Mathis Nomination—Cloture: Senate began consideration of the nomination of Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition.
of the nomination of John Z. Lee, of Illinois, to be United States Circuit Judge for the Seventh Circuit.

Prior to the consideration of this nomination, Senate took the following action:
Senate agreed to the motion to proceed to Legislative Session.
Senate agreed to the motion to proceed to Executive Session to consider the nomination.

Nominations Confirmed: Senate confirmed the following nominations:
By 57 yeas to 34 nays (Vote No. EX. 286), Constance J. Milstein, of New York, to be Ambassador to the Republic of Malta.
Monde Muyangwa, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.
Carrin F. Patman, of Texas, to be Ambassador to the Republic of Iceland.

Nomination Discharged: The following nomination were discharged from further committee consideration and placed on the Executive Calendar:
David M. Uhlmann, of Michigan, to be an Assistant Administrator of the Environmental Protection Agency, which was sent to the Senate on January 4, 2022, from the Senate Committee on Environment and Public Works.

Additional Cosponsors:
Statements on Introduced Bills/Resolutions:
Additional Statements:
Amendments Submitted:
Privileges of the Floor:
Record Votes: Forty-one record votes were taken today and yesterday. (Total—325)

Adjournment: Senate convened at 12 noon on Saturday, August 6, 2022 and adjourned, as a further mark of respect to the memory of the late Representative Jackie Walorski, in accordance with S. Res. 748, at 3:42 p.m. on Sunday, August 7, 2022, until 9 a.m. on Tuesday, August 9, 2022. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S4399.)

Committee Meetings
(Committees not listed did not meet)
No committee meetings were held.

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House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet at 1 p.m. on Tuesday, August 9, 2022.

Committee Meetings
No hearings were held.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY,
AUGUST 9, 2022
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No hearings are scheduled.
Next Meeting of the SENATE

9 a.m., Tuesday, August 9

Senate Chamber

Program for Tuesday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

1:00 p.m., Tuesday, August 9

House Chamber

Program for Tuesday: House will meet in Pro Forma session at 1 p.m.