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117TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
117–130

BUILD BACK BETTER ACT

R E P O R T

OF THE

COMMITTEE ON THE BUDGET
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H.R. 5376

together with

MINORITY VIEWS

BOOK 2 OF 3

SEPTEMBER 27, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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VOTES OF THE COMMITTEE ON THE BUDGET

Clause 3(b) of House Rule XIII requires each committee report to accompany any bill or resolution of a public character to include the total number of votes cast for and against each record vote, on a motion to report and any amendments offered to the measure or matter, together with the names of those voting for and against.

On September 25, 2021, the Committee met in open session, a quorum being present, adopted and ordered reported the Build Back Better Act. The Committee took the following votes:

ROLL CALL VOTE 1

Republican motion to postpone consideration of the House Budget Committee Print pursuant to the reconciliation instructions set forth in Title II of S. Con. Res. 14, the Concurrent Resolution on the budget for fiscal year 2022.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)		X					
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 21.

ROLL CALL VOTE 2

Vote to report out the House Budget Committee Print pursuant to the reconciliation instructions set forth in Title II of S. Con. Res. 14, the Concurrent Resolution on the budget for fiscal year 2022.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)	X			SMITH (MO) (Ranking)		X	
JEFFRIES (NY)	X			KELLY (MS)		X	
HIGGINS (NY)	X			MCCLINTOCK (CA)		X	
BOYLE (PA)	X			GROTHMAN (WI)		X	
DOGGETT (TX)	X			SMUCKER (PA)		X	
PRICE (NC)	X			JACOBS (NY)		X	
SCHAKOWSKY (IL)	X			BURGESS (TX)		X	
KILDEE (MI)	X			CARTER (GA)		X	
MORELLE (NY)	X			CLINE (VA)		X	
HORSFORD (NV)	X					X	
LEE (CA)	X			DONALDS (FL)		X	
CHU (CA)	X			FEENSTRA (IA)		X	
PLASKETT (VI-At Large)	X			GOOD (VA)		X	
WEXTON (VA)	X			HINSON (IA)		X	
SCOTT (VA)	X			OBERNOLTE (CA)		X	
JACKSON LEE (TX)	X			MILLER (WV)		X	
COOPER (TN)	X						
SIRES (NY)	X						
PETERS (CA)		X					
MOULTON (MA)	X						
JAYAPAL (WA)	X			(Return to Chair)			

TOTALS: Ayes 20 and Noes 17.

ROLL CALL VOTE 3

A motion offered by Mr. Smith that the Committee on Budget direct its Chairman to request the rule providing for consideration of the Build Back Better Act prevent new or expanded benefits from going to individuals making more than $100,000 per year or families making more than $200,000 per year and ensure that the current law capped State and Local Tax (SALT) deduction is not increased or removed.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI-At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 4

A motion offered by Mr. Kelly that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to strike funding for the Environmental Protection Agency to carry out a fee on methane emissions from petroleum and natural gas systems.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 5

Description of Vote: #5 A motion offered by Mr. McClintock that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment that would strike all provisions of the bill that provide lawful permanent residence status to undocumented immigrants, which include Dreamers, farmworkers, Temporary Protected Status immigrants, and essential workers.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 6

A motion offered by Mr. Grothman to allow no federal education benefits in the Build Back Better Act to go to those granted deferred enforced departure, deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Secretary of Homeland Security, or temporary protected status under Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)		X					
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 7

A motion offered by Mr. Smucker that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act not make in order an amendment that would allow the elimination of stepped-up basis.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)	X			BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 17 and Noes 19.

ROLL CALL VOTE 8

A motion offered by Mr. Jacobs that the Committee on Budget direct its Chairman to request the rule providing for consideration of the Build Back Better Act instruct the Secretary of the Treasury to provide for expedited payment of funds from the Emergency Rental Assistance Program and establish a process under the Emergency Rental Assistance Program for landlords to submit applications on behalf of a renter.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 9

A motion offered by Mr. Burgess that the Committee on the Budget direct the Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to strike the prescription drug price negotiation provisions.

Name & States	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)		X	
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20

ROLL CALL VOTE 10

A motion offered by Mr. Cline that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to ensure that no American earning less than $400,000 will shoulder the burden of the tobacco tax.

Name & States	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)	X			BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		

Name & States	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 17 and Noes 19

ROLL CALL VOTE 11

A motion offered by Mr. Carter that the Committee on the Budget direct the Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to reaffirm states have appropriate and necessary rights, authority, and administration over their respective health care programs.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)		X					
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 20.

ROLL CALL VOTE 12

A motion offered by Mrs. Boebert that the Committee on the Budget direct the Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to eliminate $310 million in funding for specified provisions and use those funds to respond to hurricanes and wildfires.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)			

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 15 and Noes 19.

ROLL CALL VOTE 13

A motion offered by Mr. Donalds that the Committee on the Budget direct the Chairman to request that the rule providing for consideration of the bill not make in order an amendment that would invade Americans' privacy by requiring financial institutions to report gross inflows or outflows of $600 or more from Americans' financial accounts to the Internal Revenue Service (IRS).

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)			
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)	X			BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 18.

ROLL CALL VOTE 14

A motion offered by Mr. Feenstra that would pause the implementation of the Build Back Better Act until Congress can make

an informed determination about the transitory or non-transitory nature of current inflation based on analysis from the Congressional Budget Office.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 19.

ROLL CALL VOTE 15

A motion offered by Mr. Good that the Committee on the Budget direct the Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment ensuring taxpayer dollars will not be used to fund abortion services.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 19.

ROLL CALL VOTE 16

A motion offered by Mrs. Hinson that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment that would limit electric vehicle tax credit eligibility and reduce the maximum electric vehicle value allowed for eligible purchases.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 19.

ROLL CALL VOTE 17

A motion offered by Mr. Obernolte that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment to create a select committee in the House and Senate to determine how federal spending can be further reduced moving forward.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)		X		MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 19.

ROLL CALL VOTE 18

A motion offered by Mrs. Miller that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act make in order an amendment that would strike any provisions that would increase taxes on Americans making less than $400,000 a year.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)		X		SMITH (MO) (Ranking)	X		
JEFFRIES (NY)		X		KELLY (MS)	X		
HIGGINS (NY)		X		MCCLINTOCK (CA)	X		
BOYLE (PA)		X		GROTHMAN (WI)	X		
DOGGETT (TX)		X		SMUCKER (PA)	X		
PRICE (NC)		X		JACOBS (NY)	X		
SCHAKOWSKY (IL)		X		BURGESS (TX)	X		
KILDEE (MI)		X		CARTER (GA)	X		
MORELLE (NY)		X		CLINE (VA)	X		
HORSFORD (NV)		X		BOEBERT (CO)	X		
LEE (CA)		X		DONALDS (FL)	X		
CHU (CA)		X		FEENSTRA (IA)	X		
PLASKETT (VI–At Large)		X		GOOD (VA)	X		
WEXTON (VA)		X		HINSON (IA)	X		
SCOTT (VA)		X		OBERNOLTE (CA)	X		
JACKSON LEE (TX)				MILLER (WV)	X		
COOPER (TN)		X					
SIRES (NY)		X					
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)		X		(Return to Chair)			

TOTALS: Ayes 16 and Noes 18.

ROLL CALL VOTE 19

A motion offered by Ms. Jackson Lee that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act not make in order any amendment that would impede the continued and timely imple-

mentation of the federal Medicaid program in Texas, or any state or territory of the United States.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)	X			SMITH (MO) (Ranking)		X	
JEFFRIES (NY)	X			KELLY (MS)		X	
HIGGINS (NY)	X			MCCLINTOCK (CA)		X	
BOYLE (PA)	X			GROTHMAN (WI)		X	
DOGGETT (TX)	X			SMUCKER (PA)		X	
PRICE (NC)	X			JACOBS (NY)		X	
SCHAKOWSKY (IL)	X			BURGESS (TX)		X	
KILDEE (MI)	X			CARTER (GA)		X	
MORELLE (NY)	X			CLINE (VA)		X	
HORSFORD (NV)	X			BOEBERT (CO)		X	
LEE (CA)	X			DONALDS (FL)		X	
CHU (CA)	X			FEENSTRA (IA)		X	
PLASKETT (VI-At Large)	X			GOOD (VA)		X	
WEXTON (VA)	X			HINSON (IA)		X	
SCOTT (VA)	X			OBERNOLTE (CA)	X		
JACKSON LEE (TX)	X			MILLER (WV)		X	
COOPER (TN)	X						
SIRES (NY)	X						
PETERS (CA)							
MOULTON (MA)							
JAYAPAL (WA)	X			(Return to Chair)			

TOTALS: Ayes 19 and Noes 16

ROLL CALL VOTE 20

A motion offered by Ms. Jackson Lee that the Committee on the Budget direct its Chairman to request that the rule providing for consideration of the Build Back Better Act not make in order any amendment that would strike or modify any provision that authorizes direct payments to metropolitan cities, particularly funding for COVID–19 vaccinations or to protect public health and safety.

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
YARMUTH (KY) (Chair)	X			SMITH (MO) (Ranking)		X	
JEFFRIES (NY)	X			KELLY (MS)		X	
HIGGINS (NY)	X			MCCLINTOCK (CA)		X	
BOYLE (PA)	X			GROTHMAN (WI)		X	
DOGGETT (TX)	X			SMUCKER (PA)		X	
PRICE (NC)	X			JACOBS (NY)		X	
SCHAKOWSKY (IL)	X			BURGESS (TX)		X	
KILDEE (MI)	X			CARTER (GA)		X	
MORELLE (NY)	X			CLINE (VA)		X	
HORSFORD (NV)	X			BOEBERT (CO)		X	
LEE (CA)	X			DONALDS (FL)		X	
CHU (CA)	X			FEENSTRA (IA)		X	
PLASKETT (VI–At Large)	X			GOOD (VA)		X	
WEXTON (VA)	X			HINSON (IA)		X	
SCOTT (VA)	X			OBERNOLTE (CA)		X	
JACKSON LEE (TX)	X			MILLER (WV)		X	
COOPER (TN)	X						
SIRES (NY)	X						
PETERS (CA)							
MOULTON (MA)							

Name & State	Aye	No	Answer Present	Name & State	Aye	No	Answer Present
JAYAPAL (WA)	X			(Return to Chair)			

TOTALS: Ayes 19 and Noes 16

OTHER HOUSE REPORT REQUIREMENTS

Related Committee Hearings

For the purposes of section 3(c) of rule XIII of the Rules of the House of Representatives, the following hearing was used to develop this legislation: The President's Fiscal Year 2022 Budget, held on June 9, 2021. The Committee received testimony from the following witness: The Honorable Shalanda Young, Acting Director, Office of Management and Budget. The following related hearings were also held: the U.S. Department of Housing and Urban Development's Fiscal Year 2022 Budget on June 23, 2021 and the Department of Defense's Fiscal Year 2022 Budget on June 24, 2021.

Committee Consideration

On Saturday, September 25, 2021, the Committee met in open session and ordered the bill, H.R. 5376 favorably reported, without amendment, by a roll call vote of 20 ayes to 17 noes, a quorum being present.

Committee Oversight Findings and Recommendations

Clause 3(c)(1) of rule XIII of the Rules of the House of Representatives requires the report of a committee on a measure to contain oversight findings and recommendations required pursuant to Clause (2)(b)(1) of rule X. The Committee on the Budget has examined its activities over the past session and has determined that there are no specific oversight findings in the text of the reported bill.

Committee Estimate of Budgetary Effects

Pursuant to 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. The required matter is included in the report language for each title of the legislative recommendations submitted by the appropriate instructed committees and reported to the House by the Committee on the Budget. The Committee has requested but not received from the Director of the Congressional Budget Office a cost estimate for the consolidated provisions.

New Budget Authority and Cost Estimate Prepared by the Congressional Budget Office

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a statement as to whether these consolidated provisions contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Federal Mandates Statement

Section 423 of the Congressional Budget and Impoundment Control Act of 1974 requires a statement of whether the provisions of the reported bill include unfunded mandates. Any statements regarding unfunded mandates for a legislative recommendation submitted by an instructed committee are included under the appropriate title of this report.

Advisory Committee Statement

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

Applicability to the Legislative Branch

Any finding that a legislative recommendation submitted by an instructed committee relates to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the congressional Accountability Act (P.L. 104–1) is included under the appropriate title of this report.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, no provision of the legislation is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

Statement of General Performance Goals and Objectives

This bill is reported pursuant to Title II of S. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2022. Pursuant to Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goals and objectives of this bill are to close the gaps in our economy and society with investments in crucial priorities, including education, child care, paid family and medical leave, affordable housing, and investments in improving public health to create good jobs to ensure American competitiveness and prosperity for generations to come. invest in children and families, education, toward an inclusive and strong economic recovery.

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

In accordance with Clause 9 of rule XXI of the Rules of the House of Representatives, the bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in Clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House of Representatives.

Section–by–Section Analysis

This matter is included in the report language for each title of the legislative recommendations submitted by the appropriate instructed committees and reported to the House by the Committee on the Budget.

Changes in Existing Law Made by the Bill, as Reported

Clause 3(e) of rule XIII of the Rules of the House of Representatives requires that each report of a committee on a bill or joint resolution contain the text of statutes that are proposed to be repealed and a comparative print of that part of the bill proposed to be amended whenever the bill repeals or amends any statute. A comparative print of changes in existing law made by the reconciliation bill reported by the Committee on the Budget has been requested but not received.

Views of Committee Members

Clause 2(c) of rule XIII of the Rules of the House of Representatives requires each report by a committee on a public matter to include any additional, minority, supplemental, or dissenting views submitted pursuant to Clause 2(l) of rule XI by one or more members of the committee. In addition, this report includes views from members of committees submitting reconciliation recommendations pursuant to Title II of S. Con. Res. 14 under the appropriate titles or subtitles of this report. The Minority Views of members of the Committee on the Budget are as follows:

MINORITY VIEWS

Committee approval of this bill is misguided and misleading. After failing for months to adopt a budget in a timely manner, Democrats moved quicky when it suited their agenda to adopt a fiscal year (FY) 2022 budget resolution solely to trigger the reconciliation process to enact a partisan, reckless tax and spending spree, which currently calls for $4.3 trillion in new spending, $2.1 trillion in tax increases, and will increase the federal debt by $2.4 trillion (including $200 billion in net interest). Estimated, because at the date of consideration by the Committee on the Budget, only four of the 13 cost estimates were available equating to only one percent of the bill having been scored by the Congressional Budget Office (CBO). Due to the nature of the reconciliation process, the role of the Budget Committee, and Senate procedures, this bill will likely be radically amended, disregarding the numerous hours of work across the 13 House authorizing committees and Members. For example, it has been confirmed that major provisions in this bill, such as granting amnesty to millions of illegal immigrants, violate the Senate's Byrd Rule. Additionally, as many as six of the 13 House authorizing committees have spent more than authorized by their respective reconciliation instructions. In other words, the bill considered by the Budget Committee is disingenuous and clearly an attempt by Congressional Democrats to abuse the process and push through an agenda in a nontransparent way that will ultimately be rewritten by Democrat Leadership after the Budget Committee markup in an effort to buy off votes for a bill harmful to the American people.

It is also disconcerting that Democrats decided to use the reconciliation process to push through a massive tax and spending bill before first addressing the current budget crisis facing the nation—the debt limit. The debt limit suspension expired on August 1, 2021 and the U.S. Department of the Treasury projects extraordinary measures will be exhausted by mid-to-late October. Instead of addressing the debt limit to avoid default—an imminent threat—Democrats are focused entirely on enacting a bill, as currently drafted and considered by the Budget Committee, that adds $4.3 trillion in new spending, $2.1 trillion in tax increases, and will increase the federal debt by $2.4 trillion. This is why Committee Republicans offered a motion to postpone the markup by 48 hours—to provide Congressional Democrats additional time to draft the amendment needed to the FY 2022 budget resolution to include reconciliation instructions to address the debt limit. Before the Budget Committee's markup, Ranking Member Smith also sent a letter to Chairman Yarmuth requesting that the Committee use its markup as an opportunity to also amend the FY 2022 budget resolution to address the debt limit through the reconciliation process.

This letter and Committee Republicans' motion to postpone were an effort to ensure Democrats have the necessary tools to address the current crisis facing them, given they are the controlling party of government, before enacting trillions of dollars in new spending. Unfortunately, Democrats rejected this motion to postpone.

Democrats are not only failing to utilize the budget process to address the debt limit but are acting quickly to enact the most expensive piece of legislation in American history, in a rash and non-transparent manner. CBO has yet to publish a comprehensive cost estimate of this legislation, leaving the Budget Committee, which serves as the House of Representatives' scorekeeper, unable to determine whether the legislation complies with the FY 2022 budget resolution's reconciliation instructions. In fact, 99 percent of the bill's cost was not scored by CBO at the time of the markup. Moreover, there is bipartisan and bicameral support for Congressional Democrats to pause consideration of this legislation until a comprehensive analysis is provided on the actual budgetary and economic impacts of this legislation.

The lack of a complete cost estimate has deprived this Committee and Members of Congress a full accounting of this legislation's proposed spending and tax increases. This bill is the most expensive piece of legislation in the history of the United States—its price tag amounts to five times America's annual defense budget, eight times the cost of building the interstate highway system, nearly five times annual Medicare spending to support seniors, 40 times the annual amount invested in veterans' health care, and more than the gross domestic products (GDPs) of Canada and Mexico combined. This bill, combined with annual government funding and the $1.9 trillion Biden Bailout Bill enacted earlier this year, would increase yearly government spending by more than 73 percent each year for the next 10 years. This bill, if enacted, would bring total new spending approved within the past 18 months to more than the total combined wages of the American people. Upon enactment, Democrats will have added $13 trillion in new spending since they took control of the U.S. House of Representatives in 2019.

America currently faces an inflation crisis driven by Washington's reckless spending. The prices of goods and services have increased seven percent on an annualized basis since Joe Biden became President, the highest since Carter-era policies. It is a serious disservice to policymakers and the American people to debate legislation without first confirming the impact the bill will have on inflation, a tax on all Americans. This is particularly true given the bill as considered by the Budget Committee calls for an additional $4.3 trillion in new spending and will increase the federal debt by $2.4 trillion, which will likely sustain, or even exacerbate, the current inflation crisis. An additional $2.1 trillion in taxes will also lead to higher prices, as part of these taxes will undoubtedly be passed on to consumers in the prices they pay for goods and services.

Not only is the spending magnitude of this bill unprecedented, but the spending priorities are seriously misguided. A vast majority of the spending in this bill consists of the Democrats' far-left wish list items. These include: $7.5 billion to create a Civilian Climate Corps to promote the Green New Deal; $2 billion for job training

in "climate change" careers; more than $150 million on "species protection;" $4 million for the President to establish an "environmental justice initiative;" $27.5 billion for a new climate financing "green bank;" $6.8 billion in housing grants available to felons convicted of domestic violence or hate crimes; more than $100 billion for amnesty to 10 million illegal immigrants—making them eligible for benefits; and countless tax breaks and handouts to the wealthy, including, but not limited to, $42.3 billion in tax credits for the wealthy to purchase electric vehicles, $28,000 in taxpayer-funded paid leave benefits for households making $500,000 a year, $1,200 average monthly child care subsidy for a family of four making $200,000 a year, and $10,000 more in Obamacare premium tax credits for families making more than $200,000 per year than for families making $50,000 per year.

This bill includes historic tax increases on Americans totaling $2.1 trillion. This is the largest tax increase in American history and would lead to the highest sustained tax burden as a share of the economy. The policies included in this bill break President Biden's promise to not raise taxes on families making less than $400,000 per year. The nonpartisan Joint Committee on Taxation (JCT) released an analysis confirming that this legislation will in fact increase the tax burden on low- and middle-income Americans. It contains $1.1 trillion in new taxes on American families and small businesses, including $54.3 billion in tax increases on grieving families with an enhanced death tax, a $78 billion tax hike on America's small businesses by limiting the 20 percent small business deduction, and a $96.8 billion tax increase on low- and middle-income Americans with 77 percent of the regressive tobacco tax falling on individuals making less than $100,000 a year.

This bill creates approximately $1 trillion in new taxes on American job creators to drive jobs overseas, which JCT has confirmed will overwhelmingly hit low- and middle-income Americans with two-thirds of the tax increase falling on them. The combined federal-state tax rate would make the tax burden on America's main street businesses higher than Europe or communist China.

Committee Republicans offered 16 motions to instruct, to stand up for federalism, transparency, communities in need, American taxpayers, the sanctity of life, and working families in general, including:

A motion offered by Representative Smith (MO) to cancel handouts and tax cuts for the wealthy.

A motion offered by Representative Kelly (MS) to protect the agriculture industry from a new methane fee.

A motion offered by Representative McClintock (CA) to stop amnesty for illegal immigrants.

A motion offered by Representative Grothman (WI) to put American students first.

A motion offered by Representative Smucker (PA) to protect America's farmers and small businesses from ruinous tax hikes.

A motion offered by Representative Jacobs (NY) to help tenants stay in their homes while preserving affordable housing.

A motion offered by Representative Burgess (TX) to protect access to life-saving treatments, cures, and medical innovation.

A motion offered by Representative Cline (VA) to uphold President Biden's pledge that no American earning less than $400,000 will shoulder the burden of the tobacco tax.

A motion offered by Representative Carter (GA) to ensure states' rights in administering their health care programs.

A motion offered by Representative Boebert (CO) to prioritize funding for combatting wildfires and hurricane relief instead of earmarks for Speaker Pelosi and other Democrat pet projects.

A motion offered by Representative Donalds (FL) to stop the weaponization of the Internal Revenue Service (IRS) to target American taxpayers.

A motion offered by Representative Feenstra (IA) to provide CBO time to analyze the remaining 99 percent of the Democrats' proposal that has yet to be scored and ensure Congress and the American people have a clear understanding of the true impact of the legislation.

A motion offered by Representative Good (VA) to prevent taxpayer dollars from being used to fund abortion services.

A motion offered by Representative Hinson (IA) to prevent subsidies for the wealthy to purchase luxury electric vehicles.

A motion offered by Representative Obernolte (CA) to focus Congressional attention on how to reduce spending.

A motion offered by Representative Miller (WV) to prevent tax increases on Americans making less than $400,000 per year.

None of these motions were adopted, but several received bipartisan support, including motions that would protect America's farmers and small businesses from ruinous tax hikes, ensure that no American earning less than $400,000 will shoulder the burden of the tobacco tax, and stop the weaponization of the IRS in targeting American taxpayers. Additionally, there was bipartisan opposition to the bill in the Budget Committee. With a government shutdown approaching in less than a week, now is the time for Congressional Democrats to refocus their priorities and put forth policies and solutions that will help American families and address the many crises this country is facing.

JASON SMITH,
Ranking Member.
TRENT KELLY.
TOM MCCLINTOCK.
GLENN GROTHMAN.
LLOYD SMUCKER.
CHRIS JACOBS.
MICHAEL C. BURGESS.
EARL L. "BUDDY" CARTER.
BEN CLINE.
LAUREN BOEBERT.
BYRON DONALDS.
RANDY FEENSTRA.
BOB GOOD.
ASHLEY HINSON.
JAY OBERNOLTE.
CAROL MILLER.

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

TITLE I—AGRICULTURE

Subtitle A—General Provisions

SECTION 10001. DEFINITIONS.

In this title:

(1) The term "insular area" has the meaning given such term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(2) The term "Secretary" means the Secretary of Agriculture.

Subtitle B—Forestry

SEC. 11001. NATIONAL FOREST SYSTEM RESTORATION AND FUELS REDUCTION PROJECTS.

(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) $10,000,000,000 for hazardous fuels reduction projects within the wildland-urban interface;

(2) $4,000,000,000 for, on a determination by the Secretary that hazardous fuels within the wildland-urban interface have been effectively treated to prevent the spread of wildfire to at-risk communities, hazardous fuels reduction projects outside the wildland-urban interface that are—

(A) noncommercial in nature, except on a determination by the Secretary, in accordance with the best available science, that the harvest of merchantable materials is ecologically necessary for restoration and to enhance ecological integrity, subject to the requirement that the sale of merchantable materials shall be limited to small diameter trees or biomass that are a byproduct of projects under this paragraph;

(B) collaboratively developed; and

(C) carried out in a manner that—

(i) enhances the ecological integrity and achieves the restoration of a forest ecosystem;

(ii) maximizes the retention of old-growth and large trees, as appropriate for the forest type; and

(iii) focuses on prescribed fire as the primary means to achieve modified wildland fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type;

(3) $1,000,000,000 for vegetation management projects carried out solely on National Forest System land that the Secretary shall select following the receipt of proposals submitted in accordance with subsections (a), (b), and (c) of section 4003

of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303);

(4) $500,000,000 for vegetation management projects carried out in accordance with—

(A) a water source management plan; or

(B) a watershed protection and restoration action plan;

(5) $500,000,000 for vegetation management projects that—

(A) maintain, or contribute toward the restoration of, old growth characteristics, including structure, composition, function, and connectivity, according to the reference old growth conditions characteristic of the forest type, taking into account—

(i) the contribution of the project to landscape fire adaptation and the ecological integrity of watershed and ecosystem health; and

(ii) the goal of retaining the large trees contributing to old growth structure;

(B) focus primarily on small diameter trees and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type; and

(C) maximize the retention of large trees, as appropriate for the forest type;

(6) $450,000,000 for the Legacy Roads and Trails program of the Forest Service;

(7) $350,000,000 for National Forest System land management planning and monitoring, with a focus on—

(A) the assessment of watershed, ecological, and carbon conditions on National Forest System land; and

(B) the revision and amendment of older land management plans that present opportunities to protect, maintain, restore, and monitor ecological integrity, ecological conditions for at-risk species, and carbon storage;

(8) $100,000,000 for maintenance of trails on National Forest System land, with a focus on trails that provide to underserved communities access to National Forest System land;

(9) $100,000,000 for capital maintenance and improvements on National Forest System land, with a focus on maintenance level 3, 4, and 5 roads and improvements that restore ecological integrity and conditions for at-risk species;

(10) $100,000,000 to provide for more efficient and more effective environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) through—

(A) the hiring and training of additional personnel;

(B) the development of programmatic assessments or templates;

(C) the procurement of technical or scientific services;

(D) the development of data or technology systems;

(E) stakeholder and community engagement; and

(F) the purchase of new equipment;

(11) $50,000,000 to develop and carry out activities and tactics for the protection of older and mature forests on National

Forest System land, including completing an inventory of older and mature forests within the National Forest System;

(12) $50,000,000 to develop and carry out activities and tactics for the maintenance and restoration of habitat conditions necessary for the protection and recovery of at-risk species on National Forest System land in implementing Forest Service hazardous fuels reduction and other vegetation management programs and projects based on a science-based analysis carried out by the Secretary;

(13) $50,000,000 to carry out post-fire recovery plans that—

(A) emphasize the use of locally adapted native plant materials to restore the ecological integrity of disturbed areas; and

(B) do not include salvage logging;

(14) $50,000,000 to develop and carry out nonlethal activities and tactics to reduce human-wildlife conflicts on National Forest System land; and

(15) $2,250,000,000 to be used for staffing, salaries, and other workforce needs to support the development of a Civilian Climate Corps for the purposes of managing National Forest System land, subject to the conditions that—

(A) the amounts made available under this paragraph shall be in addition to any amounts required for salaries and expenses needed to carry out projects under this subsection; and

(B) members of the Civilian Climate Corps shall be compensated at not less than 200 percent of the annual Federal poverty line.

(b) PRIORITY FOR FUNDING.—The Secretary shall prioritize for implementation under this section projects described in paragraphs (1) through (5) of subsection (a)—

(1) for which an environmental assessment or an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been completed;

(2) that are collaboratively developed; or

(3) that include opportunities to restore sustainable recreation infrastructure or access or accomplish other recreation outcomes, if the opportunities are compatible with the primary restoration purposes of the project.

(c) LIMITATIONS.—None of the funds made available by this section 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 permanent trail;

(3) that includes the construction 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 C 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.

(d) DEFINITIONS.—In this section:

(1) AT-RISK COMMUNITY.—The term "at-risk community" has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(2) COLLABORATIVELY DEVELOPED.—The term "collaboratively developed" means, with respect to a project located exclusively on National Forest System land, that the project is developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(3) 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 traffic, where feasible.

(4) ECOLOGICAL 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).

(5) 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.

(6) 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).

(7) 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 forest ecosystem through—

(A) the removal of vegetation;

(B) the use of prescribed fire;

(C) the restoration of aquatic habitat; or

(D) the decommissioning of an unauthorized, temporary, or system road.

(8) WATER SOURCE MANAGEMENT PLAN.—The term "water source management plan" means a plan developed under section 303(d)(1) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542(d)(1)).

(9) WATERSHED PROTECTION AND RESTORATION ACTION PLAN.—The term "watershed protection and restoration action plan" means a plan developed under section 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543(a)(3)).

(10) WILDLAND-URBAN INTERFACE.—The term "wildland-urban interface"—

(A) in the case of the lower 48 States, means the areas mapped as the wildland-urban interface in the document entitled "The Wildland-Urban Interface of the Conterminous United States", and published by the Department of Agriculture in 2015; and

(B) in the case of the States of Alaska and Hawaii, has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 11002. NON-FEDERAL LAND FOREST RESTORATION AND FUELS REDUCTION PROJECTS AND RESEARCH.

(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) $9,000,000,000 to award grants to a Tribal, State, or local government, a regional organization, a special district, or a nonprofit organization to support, on non-Federal land, forest restoration and resilience projects, including projects to reduce the risk of wildfires and establish defensible space around structures within at-risk communities;

(2) $1,000,000,000 to award grants to a Tribal, State, or local government, a regional organization, a special district, or a nonprofit organization to implement community wildfire protection plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)), purchase firefighting equipment, provide firefighter training, and increase the capacity for planning, coordinating, and monitoring projects on non-Federal land to protect at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(3) $250,000,000 to award grants to a Tribal, State, or local government, a regional organization, a special district, or a nonprofit organization for projects on non-Federal land to aid in the recovery and rehabilitation of burned areas, including reforestation;

(4) $250,000,000 to award grants to a Tribal, State, or local government, a regional organization, a special district, or a nonprofit organization for projects on non-Federal land to expand equitable outdoor access and promote tourism on non-Federal forested land for members of underserved groups;

(5) $250,000,000 for the State Fire Assistance and Volunteer Fire Assistance programs established under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.), to be distributed at the discretion of the Secretary;

(6) $250,000,000 for the implementation of State-wide forest resource strategies under section 2A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a);

(7) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to carry out climate mitigation or forest resilience practices in the case of underserved forest landowners, subject to the condition that subsection (h) of that section shall not apply;

(8) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) 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 (h) of that section shall not apply;

(9) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(10) $500,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases 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;

(11) $50,000,000 to carry out the healthy forests reserve program established under section 501 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571);

(12) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for collaborative partnerships with the National Association of University Forest Resources Programs;

(13) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for activities and tactics to accelerate and expand existing research efforts to improve forest carbon monitoring technologies to better predict changes in forest carbon due to climate change;

(14) $100,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C.

1642(e)) to carry out recommendations from a panel of relevant experts convened by the Secretary that has reviewed and, based on the review, issued recommendations regarding the current priorities and future needs of the forest inventory and analysis program with respect to climate change, forest health, sustainable wood products, and increasing carbon storage in forests;

(15) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to provide enhancements to the technology managed and used by the forest inventory and analysis program, including cloud computing and remote sensing for purposes such as small area estimation;

(16) $1,000,000,000 to provide grants under the wood innovation grant program under section 8643 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, subject to the conditions that—

(A) the amount of such a grant shall be not more than $5,000,000;

(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources; and

(C) a priority shall be placed on projects that create a financial model for addressing forest restoration needs on public or private forest land;

(17) $50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to strategies to increase carbon stocks on National Forest System land;

(18) $50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to the impacts of climate change and weather variability on national forest ecosystems;

(19) $50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to strategies to ensure that national forest ecosystems, including forests, plants, aquatic ecosystems, and wildlife, are able to adapt to climate change and weather variability;

(20) $50,000,000 for the research mission area of the Forest Service to assess the quantity of carbon sequestration and storage accomplished by different forest practices when applied in diverse ecological and geographic settings;

(21) $50,000,000 for the research mission area of the Forest Service to carry out greenhouse gas life cycle analyses of domestic wood products;

(22) $50,000,000 for the Forest Health Monitoring Program of the Forest Service for activities and tactics to reduce the spread of invasive species on non-Federal forested land; and

(23) $2,250,000,000 to be used for staffing, salaries, and other workforce needs and expenses to support the development of a Civilian Climate Corps for carrying out projects on

non-Federal land through the Forest Service State and private forestry mission area and other Department of Agriculture programs, including rural and urban conservation and tree planting projects, subject to the conditions that—

(A) the amounts made available under this paragraph shall be in addition to any amounts required for salaries and expenses needed to carry out projects under this subsection; and

(B) members of the Civilian Climate Corps shall be compensated at not less than 200 percent of the annual Federal poverty line.

(b) SUBMISSION OF NON-FEDERAL RESTORATION AREAS BY STATES.—

(1) IN GENERAL.—The Governor of a State may submit to the Secretary, in writing, a request to include with land on which a project is carried out using amounts made available by this section certain non-Federal land in the State.

(2) INCLUSIONS.—A written request submitted under paragraph (1) may include 1 or more maps or recommendations.

(3) AUTHORIZATION.—On approval of a written request submitted under paragraph (1), a project may be carried out using amounts made available by this section on the non-Federal land in the State that is the subject of the request.

(c) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The grants made available under paragraphs (1) through (5) of subsection (a) shall be subject to a non-Federal match requirement of not less than 20 percent of the overall project cost.

(2) WAIVER.—The cost-sharing requirement under paragraph (1) may be waived, at the discretion of the Secretary, for high priority projects that—

(A) have the purpose of protecting human life or critical infrastructure; and

(B) are located in counties where the average median household income of the population is less than 150 percent of the poverty line.

SEC. 11003. 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—

(1) $1,250,000,000 to provide competitive grants to eligible entities through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) to acquire land and interests in land that—

(A) offer significant natural carbon sequestration benefits; or

(B) contribute to the resilience of community infrastructure, local economies, or natural systems;

(2) $3,000,000,000 to provide multi-year, programmatic, competitive grants to a State agency, a local governmental entity, an Indian Tribe, or a nonprofit organization 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. 2105(c)) for tree planting and related activities to increase community tree canopy and associated societal and climate co-benefits, with a priority for projects that increase tree equity; and

(3) $100,000,000 for the acquisition of urban and community forests through the Community Forest and Open Space Program of the Forest Service.

(b) PRIORITY.—In providing grants under this section, the Secretary shall—

(1) with respect to grants under subsection (a)(2), give priority to projects that are located in—

(A) a census block group in which 30 percent or more of the population lives below the poverty line; and

(B) a neighborhood with lower tree canopy and higher maximum daytime summer temperatures compared to surrounding neighborhoods, as determined by the Secretary, based on publicly available information;

(2) with respect to grants under paragraphs (1) and (2) of subsection (a), give priority to grant applications from underserved populations; and

(3) set aside not less than 10 percent of the amounts made available under each of paragraphs (1) and (2) of subsection (a) to provide grants under each of those paragraphs to individuals who are members of underserved populations.

SEC. 11004. 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; and

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; and

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

Subtitle C—Rural Development and Energy

SEC. 12001. ADDITIONAL SUPPORT FOR THE USDA BUSINESS AND INDUSTRY LOAN 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, and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), $40,000,000, to remain available until September 30, 2031, for the cost of direct loans and loan guarantees for the rural business development programs authorized under section 310B of the Consolidated Farm and Rural Development Act and described in subsections (a) and (g) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a) and (g)).

SEC. 12002. ADDITIONAL SUPPORT FOR USDA RURAL WATER PROGRAMS.

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, and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), $430,000,000, to remain available until September 30, 2031, for the cost of grants for rural water and waste water programs authorized by sections 306, 306C, and 306D and described in sections 306C(a)(2) and 306D of the Consolidated Farm and Rural Development Act in—

(1) persistent poverty counties or, notwithstanding any population limits specified in the Consolidated Farm and Rural Development Act, a county seat of a persistent poverty county with a population that does not exceed the authorized population limit by more than 10 percent; and

(2) insular areas.

SEC. 12003. SUBSIDY FOR CERTAIN USDA RURAL DEVELOPMENT LOAN PAYMENTS.

(a) APPROPRIATION.—In addition to the amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $390,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—

(1) PAYMENT.—The Secretary shall make a payment to the lender on a covered loan equal to half of the total of the installment amounts owed by the borrower on the loan for 1 year, if the borrower has the opportunity to opt out of the payment.

(2) ADDITIONAL PAYMENTS.—To the extent that amounts made available by subsection (a) remain after making the payments under paragraph (1), the Secretary shall make additional loan payments on a covered loan.

(c) TERMS AND CONDITIONS.—

(1) WAIVER.—The Secretary shall waive statutory limits on maximum loan maturities for any covered loan durations, including those where the lender provides a deferral and extends the maturity of a covered loan during the 1-year period beginning with the date of enactment of this Act.

(2) EXTENSION.—The Secretary shall, when necessary to provide more time because of the potential of higher volumes, travel restrictions, and the inability to access some properties during the COVID-19 pandemic, extend lender site visit requirements to—

(A) not more than 60 days (which may be extended at the discretion of the Secretary) after the occurrence of an adverse event, other than a payment default, that causes a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(d) DEFINITION.—In this section, the term "covered loan" means—

(1) a business and industry loan made or guaranteed before January 1, 2021, under subsection (a) or (g) of section 310B of

the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a) or (g));

(2) a loan that is made by an intermediary lender before January 1, 2021, to an ultimate recipient using a loan received under section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note; Public Law 99–198) or section 310H of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936b); and

(3) a loan that is made by a microenterprise development organization before January 1, 2021, to a microentrepreneur under section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s).

SEC. 12004. RURAL ENERGY SAVINGS 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, $200,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, at the election of an eligible entity to which a loan is made under section 6407(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall make a grant to the eligible entity in an amount equal to not more than 5 percent of the loan amount for the purposes of costs incurred in—

(A) applying for a loan received under section 6407(c) of such Act;

(B) making a loan under section 6407(d) of such Act;

(C) making repairs to the property of a qualified consumer that facilitate the energy efficiency measures for the property financed through a loan under section 6407(d) of such Act;

(D) entering into a contract under section 6407(e) of such Act; or

(E) carrying out the duties of an eligible entity under section 6407 of such Act.

(2) PERSISTENT POVERTY COUNTIES.—In the case that the grant is for the purpose of making a loan under section 6407(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(d)) to a qualified consumer in a persistent poverty county (as determined by the Secretary), the percentage limitation in paragraph (1) of this subsection shall be 10 percent.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" has the meaning given the term in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b)).

(2) QUALIFIED CONSUMER.—The term "qualified consumer" has the meaning given the term in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b)).

SEC. 12005. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the

Treasury not otherwise appropriated, for eligible projects under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107)—

(1) $811,750,000 for fiscal year 2022, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031; and

(2) $272,000,000 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and other financial assistance under the program described in subsection (a) relating to underutilized renewable energy technologies, and to provide technical assistance for applying to such program, as determined by the Secretary, 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) $143,250,000 for fiscal year 2022, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031; and

(2) $48,000,000 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031.

(c) NON-FEDERAL SHARE.—Notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant provided using amounts made available by this section shall not exceed 50 percent of the cost of the activity carried out using the grant funds.

SEC. 12006. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

(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, $960,000,000, to remain available until September 30, 2031, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to provide grants, on a competitive basis, to eligible entities described in subsection (c)—

(1) to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location to ensure the environmentally safe availability of fuel containing ethanol blends at levels greater than 10 percent (as determined by the Secretary) or fuel containing biodiesel blends at levels greater than 20 percent (as determined by the Secretary); and

(2) to build and retrofit distribution systems for ethanol blends, traditional and pipeline biodiesel terminal operations (including rail lines), and home heating oil distribution centers or equivalent entities—

(A) to blend biodiesel; and

(B) to carry ethanol and biodiesel.

(c) ELIGIBLE ENTITIES.—Entities eligible to receive a grant under this section are transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, midstream partners, and heating oil distribution facilities or equivalent entities.

(d) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project for which a grant is provided under this section shall be not more than 75 percent.

(e) LIMITATION.—The Secretary may not limit the amount of funding an eligible entity may receive under this section.

SEC. 12007. CLEAN ENERGY REPOWERING FOR RURAL UTILITIES.

(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, $9,700,000,000, to remain available until September 30, 2031, to provide to an eligible entity assistance under paragraphs (1) and (2) by prioritizing such assistance to eligible entities that will achieve the greatest reduction in greenhouse gas emissions using such assistance and that will otherwise aid disadvantaged communities (as determined by the Secretary) when—

(1) making grants and loans (including the cost of loans and modifications thereof as defined in section 502 of the Congressional Budget Act of 1974) to purchase renewable energy or renewable energy systems (as defined in section 9001(15) and (16) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(15) and (16))), deploy renewable energy systems, or make energy efficiency improvements after the date of enactment of this Act; and

(2) making grants for debt relief and other costs associated with terminating, after the date of enactment of this Act or up to one year prior to the date of enactment, the use of—

(A) facilities with high greenhouse gas emissions; and

(B) related transmission assets.

(b) LIMITATION.—No eligible entity may receive an amount equal to more than 10 percent of the total amount made available by this section.

(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986; and

(2) an entity primarily owned or controlled by 1 or more entities described in paragraph (1).

SEC. 12008. RURAL PARTNERSHIP PROGRAM.

(a) RURAL PROSPERITY DEVELOPMENT GRANTS.—

(1) 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, $3,500,000,000, to remain available until September 30, 2031, to carry out this subsection to provide grants to support rural development under this subsection.

(2) ALLOCATION OF FUNDS.—

(A) FORMULA.—The Secretary shall establish a formula pursuant to which the Secretary shall allocate, for each State and for Indian Tribes, an amount to be provided under this subsection to eligible applicants described in paragraph (3).

(B) REQUIREMENTS.—

(i) FORMULA.—The formula established under subparagraph (A) shall include a graduated scale for the amount to be allocated under this subsection for eligible applicants in each State and eligible applicants of Indian Tribes, with higher amounts provided based on lower populations and lower income levels, as determined by the Secretary.

(ii) PRIORITY.—In awarding grants under this subsection to eligible applicants in each State and eligible applicants of Indian Tribes, the Secretary shall give priority to eligible applicants representing a micropolitan statistical area (as defined by the Office of Management and Budget) and 1 or more rural areas contiguous to that micropolitan statistical area.

(3) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this subsection to a partnership no member of which has received a grant under subsection (b) and that—

(A) is composed of—

(i) entities representing a region composed of 1 or more rural areas, including—

(I) except as provided in subparagraph (B), 1 or more of—

(aa) a unit of local government;

(bb) a Tribal government; or

(cc) an authority, agency, or instrumentality of an entity described in item (aa) or (bb); and

(II) a nonprofit or for-profit organization, including a public benefit corporation, an economic development organization, a community or labor organization, an institution of higher education, a community development financial institution, a philanthropic organization, an instrumentality of a State agency relevant to community and rural development, a cooperative extension, an institution in the Farm Credit System, and a local food policy council; and

(ii) such other entities as the Secretary or the partnership may determine to be appropriate;

(B) does not include a member described in subparagraph (A)(i)(I), but demonstrates significant community support sufficient to support a likelihood of success on the proposed projects, as determined by the Secretary; and

(C) demonstrates, as determined by the Secretary, cooperation among the members of the partnership necessary to complete comprehensive, asset-based rural development to align Federal, State, regional, and Tribal investment, while leveraging nongovernmental resources, to build economic resilience and aid economic recovery, in-

cluding in communities impacted by economic transitions and climate change.

(4) ELIGIBLE ACTIVITIES.—The use of grant funds provided under this subsection may be used for the following purposes, provided that, where applicable, the performance of any construction work completed with the grant funds shall meet the condition described section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)):

(A) Conducting comprehensive rural development and pre-development activities and planning.

(B) Supporting organizational operating expenses relating to the rural development activities for which the grant was provided.

(C) Implementing planned rural development activities and projects.

(5) TERMS AND CONDITIONS.—

(A) IN GENERAL.—The recipient of a grant under this subsection may not receive an additional grant under this subsection or funding to implement activities pursuant to a rural development plan unless the recipient provides to the Secretary an annual plan and report, which the Secretary has approved, on the use of each grant provided to the recipient under this subsection.

(B) LIMITATION.—Not more than 25 percent of amounts received by a recipient of a grant under this subsection may be used to satisfy a Federal matching requirement of any other program.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), the recipient of a grant under this subsection shall contribute a non-Federal match of 25 percent of the amount of the grant, which may be satisfied through an in-kind contribution.

(B) WAIVER.—The Secretary may waive any portion of the matching requirement described in subparagraph (A) on a finding that the recipient of the applicable grant is economically distressed.

(b) RURAL PROSPERITY INNOVATION GRANTS.—

(1) 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, $370,000,000, to remain available until September 30, 2031, to carry out this subsection.

(2) ELIGIBLE APPLICANTS.—The Secretary may make a grant under this subsection to an entity that has not received a grant under subsection (a) and that—

(A) serves rural areas; and

(B) is a qualified nonprofit corporation or an institution of higher education.

(3) ELIGIBLE ACTIVITIES.—A grant provided under this subsection may be used—

(A) to support activities of the recipient relating to—

(i) development and predevelopment planning aspects of rural development; and

(ii) organizational capacity-building necessary to support the rural development activities funded by the grant; and

(B) to support the recipient of a grant under subsection (a) in carrying out activities for which that grant was provided.

(4) MATCHING REQUIREMENT.—The recipient of a grant under this subsection shall contribute a non-Federal match of 20 percent of the amount of the grant.

(c) DEFINITIONS.—In this section:

(1) RURAL AREA.—The term "rural area" has the meaning given the term in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)).

(2) STATE.—The term "State" means—

(A) the 50 States of the United States;

(B) the District of Columbia; and

(C) the insular areas.

SEC. 12009. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

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, $545,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and for research, data collection, and other associated costs for section 12008.

Subtitle D—Research and Urban Agriculture

SEC. 13001. DEPARTMENT OF AGRICULTURE RESEARCH FUNDING.

(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—

(1) to the Agricultural Research Service, $250,000,000 for fiscal year 2022, to carry out agricultural research relating to climate change, including through climate hubs, long-term agroecosystem research, nutrient uses and outcomes, soil carbon data collection, and other related agricultural climate science;

(2) to the Economic Research Service, $45,000,000 for fiscal year 2022, to carry out economic analysis and economic agricultural research relating to climate change;

(3) to the Office of the Chief Economist, $3,200,000 for each of fiscal years 2022 through 2026, to carry out economic analysis and economic agricultural research relating to climate change and environmental services markets;

(4) to the National Agricultural Statistics Service—

(A) $40,000,000 for fiscal year 2022, to carry out data collection and agricultural research relating to climate change; and

(B) $14,000,000 for fiscal year 2022, for measurements, a survey, and data collection to conduct the study required under section 7212(b) of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4812), which shall be completed not later than December 31, 2022;

(5) to the National Institute of Food and Agriculture—

(A) to carry out agricultural education, extension, and research relating to climate change—

(i) through the Agriculture and Food Research Initiative established by subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b))—

(I) $25,000,000 for each of fiscal years 2022 and 2023; and

(II) $150,000,000 for each of fiscal years 2024 through 2026;

(ii) through the sustainable agriculture research education program established under sections 1619, 1621, 1622, 1628, and 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801, 5811, 5812, 5831, 5832)—

(I) $25,000,000 for each of fiscal years 2022 and 2023; and

(II) $150,000,000 for each of fiscal years 2024 through 2026;

(iii) through the crop protection pest management competitive grant program authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $30,000,000 for fiscal year 2022;

(iv) through the Agricultural Genome to Phenome Initiative established under section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924), $20,000,000 for fiscal year 2022;

(v) through the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b)—

(I) $15,000,000 for fiscal year 2022;

(II) $5,000,000 for fiscal year 2023; and

(III) $60,000,000 for each of fiscal years 2024 through 2026;

(vi) through the urban, indoor, and other emerging agricultural production research, education, and extension initiative established under section 1672E of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925g), $65,000,000 for fiscal year 2022;

(vii) through the centers of excellence led by 1890 Institutions established under section 1673(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(d)), $15,000,000 for fiscal year 2022;

(viii) through the specialty crop research and extension initiative established by section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632)—

(I) $10,000,000 for each of fiscal years 2022 and 2023; and

(II) $60,000,000 for each of fiscal years 2024 through 2026;

(ix) through the cooperative extension under the Smith-Lever Act (7 U.S.C. 341 et seq.) for technical assistance, technology adoption, and other extension activities relating to climate change—

(I) $60,000,000 for each of fiscal years 2022 and 2023; and

(II) $160,000,000 for each of fiscal years 2024 through 2026;

(x) through the cooperative extension at 1994 Institutions in accordance with section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)), $8,000,000 for each of fiscal years 2022 through 2026; and

(xi) through the cooperative extension at 1890 Institutions under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221), $25,200,000 for each of fiscal years 2022 through 2026;

(B) $2,664,500,000 for fiscal year 2022, for grants for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the Research Facilities Act (7 U.S.C. 390b), subject to the condition that, notwithstanding section 3(c)(2)(A) of that Act (7 U.S.C. 390a(c)(2)(A)), the recipient of a grant provided using those amounts shall not be required to provide any non-Federal share of total funding provided under this subparagraph;

(C) $985,500,000 for fiscal year 2022, for grants to covered institutions for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the Research Facilities Act (7 U.S.C. 390b), subject to the condition that notwithstanding section 3(c)(2)(A) of that Act (7 U.S.C. 390a(c)(2)(A)), the recipient of a grant provided using those amounts shall not be required to provide any non-Federal share of total funding provided under this subparagraph;

(D) $100,000,000 for fiscal year 2022, for research equipment grants under section 1462A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a);

(E) for the scholarships for students at 1890 Institutions grant program under section 1446 of the National Agricul-

tural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222a)—

(i) $10,000,000 for each of fiscal years 2022 and 2023;

(ii) $50,000,000 for each of fiscal years 2024 and 2025; and

(iii) $70,000,000 for fiscal year 2026;

(F) $10,000,000 for each of fiscal years 2022 through 2026, for grants to land-grant colleges and universities to support Tribal students under section 1450 of that Act (7 U.S.C. 3222e) and for purposes of this subparagraph, section 1450(b)(4) of such Act shall not apply; and

(G) $10,000,000 for each of fiscal years 2022 through 2026, for the Higher Education Multicultural Scholars Program carried out pursuant to section 1417 of that Act (7 U.S.C. 3152);

(6) to the Office of the Chief Scientist, to carry out advanced research and development relating to climate through the Agriculture Advanced Research and Development Authority under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k)—

(A) $10,000,000 for each of fiscal years 2022 and 2023; and

(B) $120,000,000 for each of fiscal years 2024 through 2026;

(7) to the Foundation for Food and Agriculture Research, to carry out activities relating to climate change in accordance with section 7601 of the Agricultural Act of 2014 (7 U.S.C. 5939), to be considered as provided pursuant to subsection (g)(1)(A) of that section, and subject to the condition that the Foundation shall not secure funds from any institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to fulfill the matching funds requirement under section 7601(g)(1)(B)(i) of the Agricultural Act of 2014 (7 U.S.C. 5939(g)(1)(B)(i))—

(A) $45,000,000 for each of fiscal years 2022 and 2023; and

(B) $150,000,000 for each of fiscal years 2024 through 2026;

(8) for biomass research, $5,000,000 for fiscal year 2022, to carry out agriculture climate research on biomass, including pyrolysis and biochar, and related activities in accordance with section 9008 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108); and

(9) to the Office of Urban Agriculture and Innovative Production, $62,000,000 for each of fiscal years 2022 and 2023, to carry out activities in accordance with section 222 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923).

(b) COVERED INSTITUTION DEFINED.—In this section, the term "covered institution" means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

(2) a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382));

(3) an Alaska Native serving institution or Native Hawaiian serving institution eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156);

(4) Hispanic-serving agricultural colleges and universities and Hispanic-serving institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

(5) an eligible institution (as defined in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361) (relating to institutions of higher education in insular areas)); and

(6) the University of the District of Columbia established pursuant to the Act of July 2, 1862 (commonly known as the "First Morrill Act") (7 U.S.C. 301 et seq.).

SEC. 13002. 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; and

(B) under which any payment could be outlaid or funds disbursed after September 30, 2031; and

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.

Subtitle E—Miscellaneous

SEC. 14001. ADDITIONAL SUPPORT FOR USDA OFFICE THE INSPECTOR GENERAL.

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Department of Agriculture 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 audits, investigations, and other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture under this title.

TITLE II—COMMITTEE ON EDUCATION AND LABOR

Subtitle A—Education Matters

PART 1—ELEMENTARY AND SECONDARY EDUCATION

SEC. 20001. REBUILD AMERICA'S SCHOOLS GRANT PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Education—

(1) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,270,000,000, to remain available until September 30, 2025, for carrying out this section; and

(2) for each of fiscal years 2023 through 2024, out of any money in the Treasury not otherwise appropriated, $39,643,650,000, to remain available until September 30, 2026, for carrying out this section.

(b) REBUILD AMERICA'S SCHOOLS GRANTS AUTHORIZED.—From funds provided under paragraphs (1) and (2) of subsection (a), the Secretary shall award grants in fiscal years 2022 through 2024 to State educational agencies in accordance with subsection (c).

(c) REBUILD AMERICA'S SCHOOLS GRANTS.—

(1) ELIGIBILITY.—A State educational agency is eligible for an allocation under this section—

(A) with respect to fiscal year 2022, for the purpose of public school facilities inventory efforts in accordance with paragraph (3)(A); and

(B) with respect to fiscal years 2023 and 2024, if such State educational agency has had approved by the Secretary a State facilities plan developed under paragraph (3)(A)(ii)(I), for the purpose of improving public school facilities in accordance with paragraph (3)(B).

(2) ALLOCATIONS TO STATES.—The amount allocated to each State educational agency under paragraph (1) shall be in the same proportion as the amounts distributed to the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) in the most recent fiscal year, relative to the total amount received under such part by all other States receiving an allocation under this section in such fiscal year.

(3) STATE USES OF FUNDS.—A State educational agency that receives an allocation under paragraph (1)—

(A) with respect to fiscal year 2022, shall use—

(i) not less than 80 percent of such allocation to award subgrants to local educational agencies (including public charter schools that are local educational agencies) in the State, in proportion to the amount of funds such local educational agencies and charter schools received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

6311) in the most recent fiscal year, to support each such local educational agency in—

(I) the development and publication of a local facilities master plan to address the health, safety, education equity, enrollment diversity, environmental sustainability, and climate resiliency of the public school facilities operated by such agency; and

(II) the collection and submission of data to the State educational agency to support implementation of the State school facilities database; and

(ii) not more than 20 percent of such allocation to—

(I) develop a State facilities plan that details—

(aa) how the State will use grant funds received under this section and State funds to make improvements to public school facilities of eligible local educational agencies to address disparities in both the financing and expenditures of school facilities capital outlay projects and in the conditions of public school facilities between eligible local educational agencies and other local educational agencies in the State;

(bb) how the State will develop a competitive process to provide subgrants to eligible local educational agencies, including the State's criteria for subgrant eligibility; and

(cc) how the State will, in carrying out the competitive process for subgrants described in item (bb), take into consideration the impact that such subgrants may have on increasing student diversity and decreasing racial and socioeconomic isolation of students attending public elementary or secondary schools improved by such subgrants;

(II) develop and operate (directly or through grants or contracts) the State school facilities database; and

(III) provide technical assistance to local educational agencies in carrying out activities described in clause (i) and supports related to the requirements of paragraph (4) for eligible local educational agencies; and

(B) with respect to each of fiscal years 2023 and 2024, shall—

(i) use not less than 90 percent of such allocation to award subgrants on a competitive basis to eligible local educational agencies with approved applications described in paragraph (4)(A); and

(ii) use not more than 10 percent of such allocation to—

(I) maintain and update (directly or through grants or contracts) the State school facilities database;

(II) provide technical assistance to eligible local educational agencies in the State in carrying out school facilities capital outlay projects, including technical assistance regarding capital construction, energy efficiency, and climate resiliency;

(III) develop and implement State-level strategies for safe, healthy, energy efficient, and environmentally resilient public school facilities that address—

(aa) indoor air quality;

(bb) water quality;

(cc) energy and water efficiency;

(dd) renewable energy and decarbonization;

(ee) exposure to toxic substances, including mercury, radon, polychlorinated biphenyls, lead, vapor intrusions, and asbestos;

(ff) climate resiliency;

(gg) emergency preparedness for natural or man-made disasters or emergencies; and

(hh) structural hazards created by pyrrhotite, as determined by an engineer's report and pyrrhotite testing;

(IV) provide professional development opportunities for State and local staff involved in maintenance and operations and school facilities capital outlay projects; and

(V) administer and monitor the implementation of subgrants provided under clause (i).

(4) REBUILD AMERICA'S SCHOOLS SUBGRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) APPLICATION.—The State educational agency shall require an eligible local educational agency desiring a subgrant under paragraph (3)(B)(i) to submit an application to the State educational agency that, at a minimum, includes—

(i) a certification that the eligible local educational agency shall use subgrant funds for school facilities capital outlay projects that prioritize the improvement of the public school facilities of such agency that serve the highest numbers or percentages of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751), under a method established by the Secretary; and

(ii) such agency's facilities master plan.

(B) REBUILD AMERICA'S SCHOOLS SUBGRANT USE OF FUNDS.—An eligible local educational agency that receives a subgrant under paragraph (3)(B)(i) shall use such funds to carry out school facilities capital outlay projects, including 1 or more of the following:

(i) Assessing, planning, designing, constructing, modernizing, retrofitting, or decarbonizing public school facilities.

(ii) Carrying out major repairs of public school facilities, including repairs to extend the life of facilities systems and components by not less than 10 years.

(iii) Upgrading or replacing major facilities systems, components, furniture, fixtures, and equipment with a life of not less than 10 years.

(iv) Constructing new public school facilities, including when student enrollment exceeds the physical and instructional capacity of public school facilities.

(v) Purchasing and preparing sites on which public school facilities will be constructed.

(vi) Improving energy and water efficiency in public school facilities, including improvements related to clean energy.

(vii) Reducing or eliminating the presence of health and safety hazards in public school facilities, including—

(I) toxic substances, including mercury, radon, polychlorinated biphenyls, lead, and asbestos;

(II) mold or mildew;

(III) rodents and pests; and

(IV) structural hazards created by pyrrhotite.

(viii) Improving instructional or outdoor public school facilities relating to early learning, special education, science, technology, career and technical education, physical education, the arts, literacy (including library programs), or community-based partnerships.

(ix) Improving the public school facilities of magnet schools, or other instructional programs, designed to increase student diversity and decrease racial or socioeconomic isolation.

(x) Supporting independent commissioning and certification of public school facilities, public school facility systems, and school facilities capital outlay projects.

(d) CONDITIONS.—

(1) STATE MATCHING REQUIREMENT.—

(A) IN GENERAL.—As a condition of receiving an allocation under subsection (c)(1)(B), a State shall contribute, from non-Federal sources, an amount equal to 10 percent of the amount of the allocation received under such subsection to carry out activities supported by such allocation.

(B) EXEMPTION.—States that contributed an average of 10 percent or greater toward total local educational agency capital outlay from non-Federal funds, within the most recent 5-year fiscal period, are exempt from the State matching requirement under subparagraph (A).

(2) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—The State shall provide an assurance to the Secretary that for each fiscal year that the State receives an allocation under this section, the State's share of school facilities capital outlay will be not less than 90 percent of the average of the State's share of school facilities

capital outlay for the 5 years preceding the 2020 fiscal year.

(B) WAIVER.—Notwithstanding subparagraph (A), in response to a request from a State, the Secretary may modify or waive, in whole or in part, the requirement of subparagraph (A) if the Secretary determines that such State demonstrates an exceptional or uncontrollable circumstance, such as a natural disaster, pandemic, or precipitous decline in revenue.

(3) SUPPLEMENT NOT SUPPLANT.—As a condition of receiving an allocation under subsection (c)(1)(B), a State shall use funds received under this section only to supplement the level of State and local public funds that would, in the absence of the receipt of Federal funds under this section, be made available for the State's contribution to school facilities capital outlays, and not to supplant those other funds.

(e) DEFINITIONS.—

(1) ESEA TERMS.—The terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term "eligible local educational agency" means a local educational agency (including a public charter school that is a local educational agency under State law) in a State that—

(A) is identified by the State based on the criteria established under the State facilities plan as among the local educational agencies in such State with—

(i) the highest numbers or percentages of students counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

(ii) the most limited capacity to raise funds for the long-term improvement of public school facilities, as determined by an assessment of factors determined by the Secretary;

(B) certifies that any funds received under this section shall be used to prioritize the improvement of public school facilities of public elementary or secondary schools that serve the highest percentages of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751), under a method established by the Secretary; and

(C) certifies that any public school facilities improved by funds received under this section are—

(i) operated and managed by a public agency or a non-profit private entity; and

(ii)(I) owned or leased from a public agency; or

(II) owned or leased from a private entity, except that no individual associated with such private entity may have a financial interest or management role in the local educational agency.

(3) LOCAL FACILITIES MASTER PLAN.—The term "local facilities master plan" means a plan of a local educational agency developed under subsection (c)(3)(A)(i)(I) by the local educational agency, in consultation with local stakeholders, which includes an assessment of such agency's public school facilities, financing of school capital project outlays, and student enrollment levels, and other factors determined by the Secretary.

(4) OPERATIONS AND MAINTENANCE OF SCHOOL FACILITIES.—The term "operations and maintenance of school facilities" means the labor, contracts, and supplies and materials supported by a local educational agency's annual operating budget related to—

(A) cleaning, groundskeeping, and preventive and routine maintenance of public school facilities and grounds;

(B) minor repairs and operations of building systems and equipment for public school facilities; and

(C) payments for utilities for public school facilities.

(5) PUBLIC SCHOOL FACILITY.—The term "public school facility" means a school facility operated by a local educational agency that is primarily used to educate students, including outdoor facilities and grounds, but does not include—

(A) a facility that is primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(B) a vehicle; or

(C) a district central office, operation center, or other school facility if it is not primarily used to educate students.

(6) SCHOOL FACILITIES CAPITAL OUTLAY PROJECT.—The term "school facilities capital outlay project" means the assessment, planning, design, construction, renovation, repair, management, and financing of a public school facility project with a life expectancy of at least 10 years, but does not include operations and maintenance of school facilities.

(7) SECRETARY.—The term "Secretary" means the Secretary of Education.

(8) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(9) STATE'S CONTRIBUTION TO SCHOOL FACILITIES CAPITAL OUTLAYS.—The term "State's contribution to school facilities capital outlays" means the total amount of State appropriations on elementary and secondary education capital expenditures in the State, including—

(A) State aid reimbursements for school facilities capital outlay projects;

(B) State payment of debt service for school facilities capital outlay projects;

(C) direct payment of school facilities capital outlay projects; and

(D) grants or facilities allowances to charter schools for facilities capital projects.

(10) STATE FACILITIES PLAN.—The term "State facilities plan" means a State's plan developed by the State educational agen-

cy, in accordance with subsection (c)(3)(A)(ii)(I) and including plan elements determined by the Secretary, for the purpose of being eligible for an allocation described in subsection (c)(1)(B).

(11) STATE SCHOOL FACILITIES DATABASE.—The term "State school facilities database" means an electronic, publicly available database maintained by the State educational agency that contains an inventory of the infrastructure of all public school facilities in the State, including the data elements determined by the Secretary.

SEC. 20002. OUTLYING AREAS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $410,900,000, to remain available until September 30, 2026, for the Secretary of Education to allocate to each outlying area (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) in the most recent fiscal year relative to the total amount received under such part for such fiscal year by all outlying areas, to carry out the activities described in section 20001(c) in the outlying areas.

SEC. 20003. IMPACT AID CONSTRUCTION GRANTS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $410,900,000, to remain available until September 30, 2026, for making payments to local educational agencies in accordance with the same terms and conditions as the terms and conditions of section 7007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707), except that—

(1) subsection (a)(2)(A) of such section shall be applied by substituting "20 percent" for "50 percent";

(2) subsection (a)(2)(B) of such section shall be applied by substituting "20 percent" for "50 percent"; and

(3) clauses (i) and (vi) of subsection (b)(5)(A) of such section shall not apply to funds provided or received under this section.

SEC. 20004. BUREAU OF INDIAN EDUCATION.

In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $369,810,000, to remain available until September 30, 2026, for necessary expenses related to construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract, acquisition of lands, and interests in lands, of which no more than 3 percent shall be used for administrative costs to carry out this section; and

(2) $41,090,000, to remain available until September 30, 2026, for digital infrastructure to improve access to high-speed broadband sufficient for digital learning and related digital in-

frastructure activities or programs operated or funded by the Bureau of Indian Education, for Bureau-funded schools (as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3))).

SEC. 20005. GALLAUDET UNIVERSITY.

In addition to amounts otherwise available, there is appropriated to the Department of Education 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 Kendall Demonstration Elementary School and the Model Secondary School for the Deaf at Gallaudet University for construction, as defined in section 201(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4351(2)).

SEC. 20006. GROW YOUR OWN PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $197,000,000, to remain available through September 30, 2025, to award grants for the development and support of Grow Your Own Programs, as described in section 202(g) of the Higher Education Act of 1965 (20 U.S.C. 1022a(g)).

(b) IN GENERAL.—Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022a) is amended—

(1) in subsection (b)(6)(C), by striking "subsection (f) or (g)" and inserting "subsection (f) or (h)";

(2) in subsection (c)(1), by inserting "a Grow Your Own program under subsection (g)," after "subsection (e),";

(3) by redesignating subsections (g), (h), (i), (j), and (k), as subsections (h), (i), (j), (k), and (l), respectively; and

(4) by inserting after subsection (f) the following:

"(g) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF 'GROW YOUR OWN' PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership that receives a grant under this section shall carry out an effective 'Grow Your Own' program to address shortages of teachers in high-need subjects, fields, schools, and geographic areas, or shortages of school leaders in high-need schools, and to increase the diversity of qualified individuals entering into the teacher, principal, or other school leader workforce.

"(2) REQUIREMENTS OF A GROW YOUR OWN PROGRAM.—In addition to carrying out each of the activities described in paragraphs (1) through (6) of subsection (d), an eligible partnership carrying out a Grow Your Own program under this subsection shall—

"(A) integrate career-focused courses on education topics with a year-long school-based clinical experience in which candidates teach or lead alongside an expert mentor teacher or school leader who is the teacher or school leader of record in the same local educational agencies in which the candidates expect to work;

"(B) provide opportunities for candidates to practice and develop teaching skills or school leadership skills;

"(C) support candidates as they complete their associate (in furtherance of their baccalaureate), baccalaureate, or master's degree or earn their teaching or school leadership credential;

"(D) work to provide academic, counseling, and programmatic supports to candidates;

"(E) provide academic and nonacademic supports, including advising and financial assistance, to candidates to enter and complete teacher or school leadership preparation programs and to access and complete State licensure exams;

"(F) include efforts to recruit individuals with experience in high-need subjects or fields who are not certified to teach or lead, with a specific focus on recruiting individuals—

"(i) from groups or populations that are underrepresented; and

"(ii) who live in and come from the communities the schools serve;

"(G) evaluate the effectiveness of the program, including, at a minimum, using the data required under section 204(a)(1);

"(H) require candidates to complete all State requirements to become fully certified; and

"(I) provide stipends for candidates to engage in school-based clinical placements.".

SEC. 20007. TEACHER RESIDENCIES.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $198,000,000, to remain available through September 30, 2025, to award grants for the development and support of high-quality teaching residency programs, as described in section 202(e) of the Higher Education Act of 1965 (20 U.S.C. 1022a(e)), except that amounts available under this section shall be available for residency programs for prospective teachers in a bachelor's or master's degree program.

SEC. 20008. SUPPORT SCHOOL PRINCIPALS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $198,000,000, to remain available through September 30, 2025, to award grants for the development and support of school leadership programs, as described in section 2243 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673).

SEC. 20009. HAWKINS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $198,000,000, to remain available through September 30, 2025, to award grants for the Augustus F. Hawkins Centers of Excellence Program, as described in section 242 of the Higher Education Act of 1965 (20 U.S.C. 1033a).

SEC. 20010. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION PART D PERSONNEL DEVELOPMENT.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $297,000,000, to remain available until September 30, 2025, for personnel development in section 662 of the Individuals with Disabilities Education Act (20 U.S.C. 1462).

PART 2—HIGHER EDUCATION

Subpart A—America's College Promise

SEC. 20021. GRANTS FOR TUITION-FREE COMMUNITY COLLEGE.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

"PART F—AMERICA'S COLLEGE PROMISE

"Subpart 1—Grants for Tuition-Free Community College

"SEC. 785. GRANT AWARDS.

"(a) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall award grants to States and eligible Tribal Colleges and Universities to pay the Federal share of expenditures needed to carry out the activities and services described in section 789.

"(b) TIMING OF GRANT AWARDS.—The Secretary shall award grant funds under subsection (a) for an award year not less than 30 days before the first day of the award year.

"SEC. 786. FEDERAL SHARE; STATE SHARE.

"(a) FEDERAL SHARE.—

"(1) IN GENERAL.—

"(A) AMOUNT.—Subject to paragraph (2), the amount of the Federal share of a grant under this subpart shall be based on a formula that provides, for each eligible student enrolled in a community college operated or controlled by the State or in an eligible Tribal College or University, a per-student amount (based on full-time equivalent enrollment) that is equal to the applicable percent described in subparagraph (B), or the percent described in paragraph (2) with respect to an eligible Tribal College or University, of—

"(i) for the 2023–2024 award year, the median resident community college tuition and fees per student in all States, not weighted for enrollment, for the most recent award year for which data are available; and

"(ii) for each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—

"(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

"(II) 3 percent.

"(B) APPLICABLE PERCENT.—The applicable percent for a State receiving a grant under this subpart shall be—

"(i) for the 2023–2024 award year, 100 percent;

"(ii) for the 2024–2025 award year, 95 percent;

"(iii) for the 2025–2026 award year, 90 percent;

"(iv) for the 2026–2027 award year, 85 percent; and

"(v) for the 2027–2028 award year, 80 percent.

"(2) TRIBAL COLLEGES AND UNIVERSITIES.—The amount of the Federal share for an eligible Tribal College or University receiving a grant under this subpart shall be the greater of—

"(A) 100 percent of the per-student amount determined in accordance with clause (i) or (ii) 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

"(B) the amount that is 100 percent of the total amount needed to set tuition and fees to $0 for all eligible students enrolled in such eligible Tribal College or University for the 2021–2022 award year, increased by the percentage increase in the Consumer Price Index (as determined by the Secretary) between July 1, 2021, and the applicable award year, and adjusted to reflect the enrollment in such eligible Tribal College or University for such applicable award year.

"(b) STATE SHARE.—

"(1) FORMULA.—

"(A) IN GENERAL.—The State share of a grant under this subpart for each award year shall be the amount needed to pay the applicable percent described in subparagraph (B) of the median resident community college tuition and fees in all States, not weighted for enrollment, per student (based on full-time equivalent enrollment) determined in accordance with subsection (a)(1)(A)(i) for all eligible students enrolled in a community college operated or controlled by the State for such award year.

"(B) APPLICABLE PERCENT.—The applicable percent shall be—

"(i) for the 2023–2024 award year, 0 percent;

"(ii) for the 2024–2025 award year, 5 percent;

"(iii) for the 2025–2026 award year, 10 percent;

"(iv) for the 2026–2027 award year, 15 percent; and

"(v) for the 2027–2028 award year, 20 percent.

"(C) OBLIGATION TO PROVIDE SHARE.—The State shall 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.

"(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) SPECIAL RULE FOR OUTLYING AREAS AND TERRITORIES.—

"(i) IN GENERAL.—If the Secretary determines that requiring an outlying area or territory to provide a State share in accordance with this subsection would represent a substantial hardship for the outlying area or territory, the Secretary may reduce or waive the State share for such area or territory. If the Secretary so reduces or waives the amount of the State share of an outlying area or territory, the Secretary shall increase the applicable percent used to calculate the Federal share for such area or territory, in proportion to the reduction in the applicable percent used to calculate such State share.

"(ii) DEFINITION.—For the purposes of this subparagraph, the term 'outlying area or territory' means the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

"(2) INCLUSION OF STATE FINANCIAL AID AND LOCAL FUNDS.—In the case of a State that demonstrates to the satisfaction of the Secretary that community colleges operated or controlled by such State will not experience a net reduction in total per-student revenue (including revenue derived from tuition and fees) as compared to the preceding fiscal year in such State, a State may include, as part of the State share—

"(A) any financial aid that is provided from State funds to an eligible student and that—

"(i)(I) is not awarded predominantly on the basis of merit, including programs awarded on the basis of predicted or actual academic performance or assessments; and

"(II) may be used by such student to pay any component of cost of attendance, as defined under section 472; and

"(B) any funds provided to community colleges by local governments in such State for the purpose of carrying out this subpart.

"(3) RELATIONSHIP TO MAINTENANCE OF EFFORT.—The inclusion of funds described in paragraph (2) as part of a State's share shall modify the maintenance of effort requirements under section 788(c) in accordance with the provisions of—

"(A) section 791(10)(B)(iii), with respect to funds included under paragraph (2)(A); and

"(B) section 791(10)(A)(ii), with respect to funds included under paragraph (2)(B).

"(4) NO IN-KIND CONTRIBUTIONS.—A State shall not include in-kind contributions for purposes of the State share described in paragraph (1).

"(c) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b), the Secretary shall, in consultation with the State or eligible Tribal College or University concerned, determine the estimated number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the applicable award year.

"(2) ADJUSTMENT OF GRANT AMOUNT.—For each year for which a State or eligible Tribal College or University receives a grant under this subpart, the Secretary shall, once final enrollment data for such year are available—

"(A) in consultation with the State or eligible Tribal College or University concerned, determine the actual number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the year covered by the grant; and

"(B) adjust the Federal share of the grant amount received by the State or eligible Tribal College or University and the State share under subsection (b) to reflect the actual number of eligible students, which may include applying the relevant adjustment to such Federal share or the State share, or both, in the subsequent award year.

"(d) COMMUNITY COLLEGES OPERATED OR CONTROLLED BY STATE TO INCLUDE COMMUNITY COLLEGES OPERATED OR CONTROLLED BY LOCAL GOVERNMENTS WITHIN THE STATE.—For purposes of this subpart, the term 'community college operated or controlled by a State' shall include a community college operated or controlled by a local government within such State.

"(e) INAPPLICABILITY OF STATE REQUIREMENTS TO ELIGIBLE TCUS.—The Secretary may not apply any requirements applicable only to States under this subpart to an eligible Tribal College or University, including the requirements under subsection (b), section 788(b) and (c), and section 790.

"SEC. 787. APPLICATIONS.

"In order to receive a grant under this subpart, a State or eligible Tribal College or University shall submit an application to the Secretary that includes—

"(1) 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 and the cost of waiving tuition and fees for all eligible students for each award year covered by the grant;

"(2) in the case of a State, a list of each of the community colleges operated or controlled by the State;

"(3) an assurance that each community college operated or controlled by the State, or the eligible Tribal College or University, as applicable, will set community college tuition and fees for eligible students to $0 as required by section 788(a);

"(4) a description of how the State or eligible Tribal College or University will ensure that programs leading to a recognized postsecondary credential meet the quality 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 qual-

ity criteria determined appropriate by the State or eligible Tribal College or University;

"(5) an assurance that each community college operated or controlled by the State or the eligible Tribal College or University, as applicable, has entered into a program participation agreement under section 487;

"(6) an assurance that the State or eligible Tribal College or University will assist eligible students in obtaining information about and accessing means-tested Federal benefit programs and similar State, tribal, and local benefit programs that can provide financial assistance for any component of the student's cost of attendance, as defined under section 472, other than tuition and fees;

"(7) an assurance that, for each year of the grant, the State or eligible Tribal College or University will notify each eligible student of the student's remaining eligibility for assistance under this subpart;

"(8) if the application is submitted by a State—

"(A) an assurance that the State will meet the requirements of section 788(b)(1) relating to the alignment of secondary and postsecondary education; and

"(B) an assurance that the State will meet the requirements of section 788(b)(2) relating to the improvement of transfer pathways between institutions of higher education; and

"(9) an assurance that the State or eligible Tribal College or University will clearly communicate to prospective students, including students with prior college experience who have not completed a postsecondary degree or credential, their families, and the general public—

"(A) plans to implement the program funded under this subpart; and

"(B) how eligible students can attend a community college operated or controlled by the State or an eligible Tribal College or University without paying tuition and fees.

"SEC. 788. PROGRAM REQUIREMENTS.

"(a) GENERAL REQUIREMENTS.—As a condition of receiving a grant under this subpart in each 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 the 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) not use any funds provided under this subpart for administrative purposes relating to such grant.

"(b) STATE REQUIREMENTS.—In addition to the requirements under subsection (a), as a condition of receiving a grant under this subpart a State shall meet the following requirements:

"(1) ALIGNMENT OF SECONDARY AND HIGHER EDUCATION.—The State shall—

"(A) 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

"(B) not later than 3 years after the date on which the State first receives a grant under this subpart, certify to the Secretary that such alignment has been achieved.

"(2) TRANSFER PATHWAYS.—The State shall—

"(A) submit a plan, developed in collaboration with faculty from institutions of higher education in the State, to improve transfer pathways among institutions of higher education in the State, including by—

"(i) ensuring that associate degrees awarded by community colleges in the State are fully transferable to, and credited as, the first 2 years of related baccalaureate programs at public institutions of higher education in such State;

"(ii) increasing the transferability of individual courses within the certificate or associate programs offered by community colleges in the State to related baccalaureate programs offered by institutions of higher education in such State to maximize the transferability of credits for students who transfer before completing an associate degree;

"(iii) expanding the use of reverse transfer policies that allow institutions to—

"(I) implement the process of retroactively granting a certificate or associate degree to students who had not completed the requirements for such certificate or degree before they transferred; and

"(II) allow academic credits for coursework completed at a 4-year institution to be applied to a previously-attended community college for the purpose of obtaining an associate degree or a certificate; and

"(iv) ensuring that students attending community colleges in the State have access to comprehensive counseling and supports to facilitate the process of transferring to a 4-year institution of higher education; and

"(B) not later than 3 years after the date on which the State first receives a grant under this subpart, certify to the Secretary that the State is carrying out the plan submitted in accordance with subparagraph (A) and is meeting the requirements of clauses (i) through (iv) of such subparagraph.

"(c) STATE MAINTENANCE OF EFFORT.—A State receiving a grant under this subpart shall be entitled to receive its full allotment of funds under this subpart 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 expenses (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 this subpart may not impose additional eligibility requirements on eligible students other than the requirements under this subpart.

"(e) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including tuition and fees set to $0 and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

"SEC. 789. ALLOWABLE USES OF FUNDS.

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

"(1) a State shall use a grant under this subpart only to provide funds to each community college operated or controlled by the State to enable each such community college to set community college tuition and fees for eligible students to $0 as required under section 788(a); and

"(2) an eligible Tribal College or University shall use a grant under this subpart only to set community college tuition and fees for eligible students to $0 as required under section 788(a).

"(b) ADDITIONAL USES.—If a State or an eligible Tribal College or University demonstrates to the Secretary that the State or eligible Tribal College or University has grant funds remaining after meeting the demand for activities described in subsection (a), the State or eligible Tribal College or University shall use the remaining funds to carry out 1 or more of the following:

"(1) Providing need-based financial aid to students that may be used by such students to pay any component of cost of attendance, as defined under section 472.

"(2) Reducing unmet need at public 4-year institutions of higher education.

"(3) Improving student outcomes by implementing evidence-based institutional reforms or practices, including reforms or practices that are described in section 795D(b)(1) or that meet an evidence tier defined in section 795E(2).

"(4) Expanding access to dual or concurrent enrollment programs or early college high school programs.

"(c) SUPPLEMENT, NOT SUPPLANT.—Except as provided in section 786(b)(2)(A), funds made available under this subpart shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to carry out activities described in this section.

"(d) CONTINUATION OF FUNDING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or an eligible Tribal College or University receiving a grant under this subpart for an award year may continue to receive funding under this subpart for subsequent award years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

"(2) DISCONTINUATION.—The Secretary shall discontinue or reduce funding of the Federal share of a grant under this subpart if the State or an eligible Tribal College or University has violated the terms of the grant.

"(e) RULE OF CONSTRUCTION REGARDING BIE FUNDS.—Nothing in this subpart shall be construed to impact the availability of funds from, or uses of funds provided by, the Bureau of Indian Education for Tribal Colleges and Universities.

"SEC. 790. AUTOMATIC STABILIZERS FOR AMERICA'S COLLEGE PROMISE.

"(a) MAINTENANCE OF EFFORT RELIEF.—A State that meets the qualifying spending requirement may request a waiver of the requirements under section 788(c). Upon request by such a State, the Secretary shall waive the requirements of section 788(c) for the State as follows:

"(1) TIER I.—With respect to each State eligible for relief under tier I, such requirements shall be waived for the fiscal year succeeding the fiscal year for which the determination of the State's eligibility for such relief is made.

"(2) TIERS II THROUGH V.—With respect to each State eligible for relief under tier II, III, IV, or V, such requirements shall be waived, in accordance with subsection (d), for—

"(A) the fiscal year for which the determination of the State's eligibility for such relief is made;

"(B) the fiscal year succeeding the fiscal year described in subparagraph (A); or

"(C) both such fiscal years.

"(b) STATE SHARE RELIEF.—

"(1) STATE SHARE RELIEF.—A State that meets the qualifying spending requirement and is eligible for relief under tier II, III, IV, or V may request relief with respect to the requirements of section 786(b)(1)(B). Upon request by such a State, the Secretary shall provide relief from the requirements of section 786(b)(1)(B), for the applicable award year or years, for the State as follows:

"(A) TIER II.—With respect to a State that is eligible for relief under tier II, the Secretary shall—

"(i) apply section 786(a)(1)(B)(v) by substituting '85 percent' for '80 percent'; and

"(ii) apply section 786(b)(1)(B)(v) by substituting '15 percent' for '20 percent'.

"(B) TIER III.—With respect to a State that is eligible for relief under tier III, the Secretary shall—

"(i) apply section 786(a)(1)(B)(iv) by substituting '90 percent' for '85 percent';

"(ii) apply section 786(a)(1)(B)(v) by substituting '90 percent' for '80 percent';

"(iii) apply section 786(b)(1)(B)(iv) by substituting '10 percent' for '15 percent'; and

"(iv) apply section 786(b)(1)(B)(v) by substituting '10 percent' for '20 percent'.

"(C) TIER IV.—With respect to a State that is eligible for relief under tier IV, the Secretary shall—

"(i) apply section 786(a)(1)(B)(iii) by substituting '95 percent' for '90 percent';

"(ii) apply section 786(a)(1)(B)(iv) by substituting '95 percent' for '85 percent';

"(iii) apply section 786(a)(1)(B)(v) by substituting '95 percent' for '80 percent';

"(iv) apply section 786(b)(1)(B)(iii) by substituting '5 percent' for '10 percent';

"(v) apply section 786(b)(1)(B)(iv) by substituting '5 percent' for '15 percent'; and

"(vi) apply section 786(b)(1)(B)(v) by substituting '5 percent' for '20 percent'.

"(D) TIER V.—With respect to a State that is eligible for relief under tier V, the Secretary shall—

"(i) apply section 786(a)(1)(B)(ii) by substituting '100 percent' for '95 percent';

"(ii) apply section 786(a)(1)(B)(iii) by substituting '100 percent' for '90 percent';

"(iii) apply section 786(a)(1)(B)(iv) by substituting '100 percent' for '85 percent';

"(iv) apply section 786(a)(1)(B)(v) by substituting '100 percent' for '80 percent';

"(v) apply section 786(b)(1)(B)(ii) by substituting '0 percent' for '5 percent';

"(vi) apply section 786(b)(1)(B)(iii) by substituting '0 percent' for '10 percent';

"(vii) apply section 786(b)(1)(B)(iv) by substituting '0 percent' for '15 percent'; and

"(viii) apply section 786(b)(1)(B)(v) by substituting '0 percent' for '20 percent'.

"(2) APPLICABLE AWARD YEARS.—With respect to each State eligible for relief under tier II, III, IV, or V, the Secretary shall provide the relief under paragraph (1), in accordance with subsection (d), for—

"(A) the award year for which the determination of the State's eligibility for such relief is made;

"(B) the award year succeeding the award year described in subparagraph (A); or

"(C) both such award years.

"(c) STATE ELIGIBILITY.—A State's eligibility for relief under this section shall be determined as follows:

"(1) TIER I.—A State shall be eligible for relief under tier I for a fiscal year for which—

"(A) the State is in an elevated unemployment period at any point in the fiscal year; and

"(B) the State is not eligible for relief under any other tier.

"(2) TIER II.—A State shall be eligible for relief under tier II for a fiscal or award year, as applicable, for which—

"(A)(i) the State average unemployment rate is equal to or greater than 6.5 percent but less than 7.5 percent at any point in the fiscal or award year; or

"(ii) the national average unemployment rate is equal to or greater than 6.5 percent but less than 7.5 percent at any point in the fiscal or award year; and

"(B) the State is not eligible for relief under tier III, IV, or V.

"(3) TIER III.—A State shall be eligible for relief under tier III for a fiscal or award year, as applicable, for which—

"(A)(i) the State average unemployment rate is equal to or greater than 7.5 percent but less than 8.5 percent at any point in the fiscal or award year; or

"(ii) the national average unemployment rate is equal to or greater than 7.5 percent but less than 8.5 percent at any point in the fiscal or award year; and

"(B) the State is not eligible for relief under tier IV or V.

"(4) TIER IV.—A State shall be eligible for relief under tier IV for a fiscal or award year, as applicable, for which—

"(A)(i) the State average unemployment rate is equal to or greater than 8.5 percent but less than 9.5 percent at any point in the fiscal or award year; or

"(ii) the national average unemployment rate is equal to or greater than 8.5 percent but less than 9.5 percent at any point in the fiscal or award year; and

"(B) the State is not eligible for relief under tier V.

"(5) TIER V.—A State shall be eligible for relief under tier V for a fiscal or award year, as applicable, for which—

"(A) the State average unemployment rate is equal to or greater than 9.5 percent at any point in the fiscal or award year; or

"(B) the national average unemployment rate is equal to or greater than 9.5 percent at any point in the fiscal or award year.

"(d) DISCRETION IN THE PROVISION OF RELIEF.—In determining the fiscal years for which to provide relief in accordance with subsection (a)(2), or the award years for which to provide relief in accordance with subsection (b), to a State that is eligible under tier II, III, IV, or V, the Secretary shall take into account the following:

"(1) In the case of a State that requests relief under subsection (a)(2), the fiscal years for which the State requests such relief, including—

"(A) if the State requests such relief for the fiscal year for which the determination of the State's eligibility for such relief is made, the amount by which the State is unable to meet the requirements of section 788(c) for such fiscal year; and

"(B) if the State requests such relief for the fiscal year succeeding the year described in subparagraph (A), the

amount by which the State anticipates being unable to meet such requirements for such succeeding fiscal year.

"(2) In the case of a State that requests relief under subsection (b), the award years for which the State requests such relief, including—

"(A) if the State requests such relief for the award year for which the determination of the State's eligibility for such relief is made, the extent to which the State is unable to meet the requirements of section 786(b)(1)(B) for such award year; and

"(B) if the State requests such relief for the award year succeeding the year described in subparagraph (A), the extent to which the State anticipates being unable to meet such requirements for such succeeding award year.

"(3) The actual or anticipated timing, severity, and duration of the unemployment rate increase during—

"(A) the fiscal or award year, as applicable, for which the determination of the State's eligibility for such relief is made;

"(B) the fiscal or award year, as applicable, succeeding the fiscal or award year described in subparagraph (A); and

"(C) the fiscal or award year, as applicable, preceding the fiscal or award year described in subparagraph (A).

"(4) Other factors determined to be relevant by the Secretary.

"(e) CONTINUED PAYMENT TO EMPLOYEES.—A State that receives relief under subsection (a) or (b) shall, to the greatest extent practicable, continue to pay its employees of, and contractors with, public institutions of higher education in the State during the period in which the State is receiving such relief.

"(f) DEFINITIONS.—In this section:

"(1) ELEVATED UNEMPLOYMENT PERIOD.—The term 'elevated unemployment period'—

"(A) when used with respect to the Nation as a whole, means a consecutive, 3-month period in a fiscal year for which the national average unemployment rate is not less than 0.5 percentage points above the lowest national average unemployment rate for the 12-month period preceding such 3-month period; and

"(B) when used with respect to a State, means a consecutive, 3-month period in a fiscal year in which the State average unemployment rate is not less than 0.5 percentage points above the lowest State average unemployment rate for such State for the 12-month period preceding such 3-month period.

"(2) QUALIFYING SPENDING REQUIREMENT.—The term 'qualifying spending requirement', when used with respect to determining whether a State has met such requirement, means the State has not disproportionately decreased spending for any of the categories described in paragraphs (1) through (3) of section 788(c) relative to such State's overall decrease in spending averaged over the 3 consecutive preceding fiscal years.

"(3) NATIONAL AVERAGE UNEMPLOYMENT RATE.—The term 'national average unemployment rate' means the average (seasonally adjusted) rate of total unemployment in all States for a consecutive, 3-month period in a fiscal year, based on data from the Bureau of Labor Statistics of the Department of Labor.

"(4) STATE AVERAGE UNEMPLOYMENT RATE.—The term 'State average unemployment rate' means the average (seasonally adjusted) rate of total unemployment in a State for a consecutive, 3-month period in a fiscal year, based on data from the Bureau of Labor Statistics of the Department of Labor.

"SEC. 791. DEFINITIONS.

"In this subpart:

"(1) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term 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 campus—

"(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, in the case of a State that does not operate or control any institution that meets a definition under subparagraph (A) or (C), a college or similarly defined and structured academic entity—

"(i) that was in existence on July 1, 2021;

"(ii) within a 4-year public institution of higher education; and

"(iii) at which—

"(I) the highest degree awarded is an associate degree; or

"(II) an associate degree is the predominant degree awarded.

"(3) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(4) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(5) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

"(A) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a community college on not less than a half-time basis;

"(B) in the case of a student who is enrolled in a community college that charges different tuition rates on the basis of in-State or in-district residency, either—

"(i) qualifies for in-State or in-district resident tuition at such community college; or

"(ii) would qualify for such in-State or in-district resident tuition at such community college, but for the immigration status of such student;

"(C) 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 student were set to $0 pursuant to section 788(a);

"(D) is not enrolled in a dual or concurrent enrollment program or early college high school; and

"(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.

"(6) ELIGIBLE TRIBAL COLLEGE OR UNIVERSITY.—The term 'eligible Tribal College or University' means—

"(A) a 2-year Tribal College or University; or

"(B) a degree-granting Tribal College or University—

"(i) at which the highest degree awarded is an associate degree; or

"(ii) an associate degree is the predominant degree awarded.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(8) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' has the meaning given the term in section 479.

"(9) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(10) STATE FISCAL SUPPORT FOR HIGHER EDUCATION.—

"(A) INCLUSIONS.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the term 'State fiscal support for higher education', used with respect to a State for a fiscal year, means 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 used to support institutions of higher education and student financial aid for higher education in the State; and

"(II) any 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(b)(2)(B) for an award year, funds provided to community colleges by local governments in such State for the purpose of carrying out this subpart, local funds provided to community colleges operated or controlled by such State for operating expenses (excluding capital expenses and research and development costs) shall be included in the calculation of the State fiscal support for higher education for such award year under clause (i).

"(B) EXCLUSIONS.—State fiscal support for higher education for a State for a fiscal year shall not include—

"(i) funds described in subparagraph (A) that are returned to the State;

"(ii) State-appropriated funds derived from Federal sources, including funds provided under section 786(a) and section 795A(a)(2);

"(iii) funds that are included in the State share under section 786(b), including funds included in the State share in accordance with paragraph (2)(A) of such section;

"(iv) amounts that are portions of multiyear appropriations 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);

"(v) tuition, fees, or other educational charges paid directly by a student to a public institution of higher education or to the State;

"(vi) funds for—

"(I) financial aid to students attending, or operating expenses of—

"(aa) out-of-State institutions of higher education;

"(bb) proprietary institutions of higher education (as defined in section 102(b));

"(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 predominantly 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;

"(vii) corporate or other private donations directed to one or more institutions of higher education permitted to be expended by the State; or

"(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.

"(11) STATE FISCAL SUPPORT FOR HIGHER EDUCATION PER FULL-TIME EQUIVALENT STUDENT.—The term 'State fiscal support for higher education per full-time equivalent student', when 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 this subpart 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 subpart.

"SEC. 793. APPROPRIATION.

"In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this subpart.".

SEC. 20022. RETENTION AND COMPLETION GRANTS.

Part F of title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.), as added by section 20021, is further amended by adding at the end the following:

"Subpart 2—Retention and Completion Grants

"SEC. 795. RETENTION AND COMPLETION GRANTS.

"Beginning with award year 2023–2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall carry out a grant program to make grants (which shall be known as 'retention and completion grants') to eligible States and Tribal Colleges and Universities to enable the eligible States and Tribal Colleges and Universities to carry out the activities described in section 795D.

"SEC. 795A. GRANT AMOUNTS.

"(a) RESERVATION.—From the amounts appropriated to carry out this subpart, the Secretary shall—

"(1) reserve an amount equal to 3 percent of such amounts to allocate grants to Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3)(B), to carry out the activities described in section

795D(b)(1) and implement reforms or practices that meet an evidence tier defined in section 795E(2); and

"(2) use the amount remaining after the allocation under paragraph (1) to award competitive grants to eligible States that have submitted applications under section 795B.

"(b) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to carry out activities assisted under this subpart.

"(c) GRANT PERIOD.—Subject to the requirements under section 795C, a grant under this subpart shall be for a period of not more than 7 years.

"SEC. 795B. APPLICATIONS.

"(a) IN GENERAL.—As a condition of receiving a grant under this subpart, an eligible State shall submit an application to the Secretary that includes—

"(1) a description of—

"(A) how the eligible State will use the funds to implement evidence-based institutional reforms or practices at institutions of higher education in such State to improve student outcomes and meet the requirements of section 795D(b)(2), including—

"(i) how such eligible State will use grant funds to implement 1 or more reforms or practices described in section 795D(b)(1) at such institutions;

"(ii) the extent to which each reform or practice to be implemented meets an evidence tier defined in section 795E(2); and

"(iii) annual implementation benchmarks that the eligible State will use to track progress in implementing such reforms or practices;

"(B) how such eligible State will increase support for the public institutions of higher education identified in accordance with paragraph (2)(B); and

"(C) the improvements the eligible State anticipates in student outcomes, including improvements in retention, completion, or transfer rates or labor market outcomes, or a combination of such student outcomes, disaggregated by student demographics including, at a minimum, race, ethnicity, income, disability status, remediation, and status as a first generation college student;

"(2)(A) with respect to each State public institution of higher education—

"(i) the total per-student funding;

"(ii) the amount of per-student funding that is from State-appropriated funds; and

"(iii) the share of students at the institution who are students of color, low-income students, students with disabilities, students in need of remediation, or first generation college students; and

"(B) an identification of public institutions of higher education in the eligible State that received less funding on a per-student basis as described in clause (i) or (ii), or both, of subparagraph (A), and are serving disproportionately

high shares of students of color, low-income students, students with disabilities, students in need of remediation, or first generation college students;

"(3) a description of the steps the eligible State will take to ensure the sustainability of the institutional reforms or practices identified in paragraph (1)(A); and

"(4) a description of how the eligible State will evaluate the effectiveness of activities funded under this subpart, including how such eligible State will assess impacts on student outcomes, including retention, transfer, and completion rates and labor market outcomes.

"(b) PRIORITIES.—In awarding funds under this subpart, the Secretary shall give priority to eligible States that do one or more of the following:

"(1) Propose to use a significant share of grant funds for reforms or practices that meet an evidence tier defined in section 795E(2).

"(2) Propose to use a significant share of grant funds to improve retention, transfer, and completion rates and labor market outcomes among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, and other underserved student populations in such State.

"(3) Propose to use a significant share of grant funds to improve retention, transfer, and completion rates and labor market outcomes among students attending institutions identified in subsection (a)(2)(B).

"(4) Demonstrate a commitment to supporting activities funded under this subpart with non-Federal funds.

"SEC. 795C. PROGRAM REQUIREMENTS.

"(a) IN GENERAL.—As a condition of continuing to receive funds under this subpart, for each year in which an eligible State participates in the program under this subpart, the eligible State shall submit to the Secretary the eligible State's progress—

"(1) in meeting the annual implementation benchmarks included in the application of such eligible State under section 795B(a)(1)(A)(iii);

"(2) in increasing funding for the public institutions of higher education identified in accordance with section 795B(a)(2)(B), as included in the application of such eligible State under section 795B(a)(1)(B); and

"(3) in improving the student outcomes identified by the State under section 795B(a)(1)(C).

"(b) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including services and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

"SEC. 795D. USES OF FUNDS.

"(a) GENERAL REQUIREMENT FOR STATES.—Except as provided in subsection (c), an eligible State shall use a grant under this subpart only to carry out activities described in the application for such year under section 795B(a)(1).

"(b) EVIDENCE-BASED INSTITUTIONAL REFORMS OR PRACTICES.—

"(1) IN GENERAL.—An eligible State or Tribal College or University receiving a grant under this subpart shall, directly or in collaboration with institutions of higher education and other non-profit organizations, use the grant funds to implement one or more of the following evidence-based institutional reforms or practices:

"(A) Providing comprehensive academic, career, and student support services, including mentoring, advising, case management services, or career pathway navigation.

"(B) Providing assistance in applying for and accessing direct support services, means-tested Federal benefit programs, or similar State, tribal, or local benefit programs.

"(C) Providing emergency financial aid grants to students for unexpected expenses and to meet basic needs.

"(D) Providing accelerated learning opportunities, including dual or concurrent enrollment programs and early college high school programs, and pathways to graduate and professional degree programs, and reforming course scheduling and credit awarding policies.

"(E) Reforming remedial and developmental education.

"(F) Utilizing career pathways, including through building capacity for career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), programs of study as defined in such section, or degree pathways.

"(G) Improving transfer pathways between community colleges and four-year institutions of higher education in the eligible State, or, in the case of a Tribal College or University, between the Tribal College or University and other institutions of higher education.

"(2) STATE ALLOCATION MINIMUMS WITH RESPECT TO EVIDENCE TIERS.—An eligible State receiving a grant under this subpart shall use not less than 30 percent of the grant funds for evidence-based reforms or practices that meet an evidence tier defined in section 795E(2), of which at least two-thirds shall be used for evidence-based reforms or practices that meet evidence tier 1.

"(c) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—An eligible State or Tribal College or University that receives a grant under this subpart may use—

"(1) not more than 3 percent of such grant for administrative purposes relating to the grant under this subpart; and

"(2) not more than 3 percent of such grant to evaluate the effectiveness of activities carried out under this subpart.

"SEC. 795E. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State that is a recipient of a grant under subpart 1.

"(2) EVIDENCE TIERS.—

"(A) EVIDENCE TIER 1.—The term 'evidence tier 1', when used with respect to a reform or practice, means a reform or practice that meets the criteria for receiving an expansion grant from the education innovation and research program under section 4611 of the Elementary and Secondary

Education Act of 1965 (20 U.S.C. 7261), as determined by the Secretary in accordance with such section.

"(B) EVIDENCE TIER 2.—The term 'evidence tier 2', when used with respect to a reform or practice, means a reform that meets the criteria for receiving a mid-phase grant from the education innovation and research program under section 4611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261), as determined by the Secretary in accordance with such section.

"(3) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(h).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(5) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b)(3).

"SEC. 795F. SUNSET.

"(a) IN GENERAL.—The authority to make grants under this subpart shall expire at the end of award year 2029–2030.

"(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 subpart.

"SEC. 795G. APPROPRIATION.

"In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000,000, to remain available until September 30, 2030, for carrying out this subpart.".

SEC. 20023. TUITION ASSISTANCE FOR STUDENTS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS.

Part F of title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.), as added and amended by this Act, is further amended by adding at the end the following:

"Subpart 3—Tuition Assistance for Students at Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-serving Institutions

"SEC. 796. TUITION ASSISTANCE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

"Beginning with award year 2023–2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall award grants to participating historically Black colleges and universities that are eligible institutions.

"SEC. 796A. TUITION ASSISTANCE FOR TRIBAL COLLEGES AND UNIVERSITIES.

"Beginning with award year 2023–2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary

shall award grants to participating Tribal Colleges and Universities that are eligible institutions.

"SEC. 796B. TUITION ASSISTANCE FOR ALASKA NATIVE-SERVING INSTITUTIONS, ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS, HISPANIC-SERVING INSTITUTIONS, NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTIONS, NATIVE HAWAIIAN-SERVING INSTITUTIONS, AND PREDOMINANTLY BLACK INSTITUTIONS.

"(a) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall award grants to participating Alaska Native-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Hispanic-serving institutions, Native American-serving nontribal institutions, Native Hawaiian-serving institutions, and Predominantly Black institutions that are eligible institutions.

"(b) STATUS OF INSTITUTION.—An institution's status as an eligible institution described in subsection (a) shall—

"(1) be based on the most recent data available; and

"(2) be reviewed annually to ensure that the institution continues to meet the requirements for status as an institution described in subsection (a).

"SEC. 796C. GRANT TERMS.

"(a) GRANT AMOUNT.—

"(1) IN GENERAL.—For each year for which an eligible institution participates in the grant program under this subpart, such eligible institution shall receive a grant in an amount equal to the product of—

"(A) the number of eligible students enrolled at the institution for such year; and

"(B)(i) for the 2023–2024 award year, the median resident community college tuition and fees per student in all States, not weighted for enrollment, for the most recent award year for which data are available; and

"(ii) for the 2024–2025 award year and each subsequent award year, the amount determined under this subparagraph for the preceding award year, increased by the lesser of—

"(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

"(II) 3 percent.

"(2) FIRST-YEAR TUITION AND FEES.—As a condition of receiving a grant under this subpart, an eligible institution shall not increase tuition and fees during the first year of participation in the grant program under this subpart at a rate greater than the average annual increase at the eligible institution in the previous 5 years.

"(3) STUDENTS ENROLLED LESS THAN FULL-TIME.—The Secretary shall develop and implement a formula for making adjustments to grant amounts under this subpart based on the number of eligible students at each eligible institution enrolled

less than full-time and the associated tuition and fees charged to such students in proportion to the degree to which each such student is not attending on a full-time basis.

"(4) DATA ADJUSTMENTS.—

"(A) IN GENERAL.—The Secretary shall establish a process through which each eligible institution that participates in the program under this section—

"(i) provides the necessary eligible student enrollment data at the start of the award year; and

"(ii) initially receives grant funds, as calculated under this subsection, based on such data.

"(B) ADJUSTMENT OF GRANT AMOUNT.—For each year for which an eligible institution receives a grant under this subpart, the Secretary shall, once final enrollment data for such year are available—

"(i) in consultation with the eligible institution concerned, determine the actual number of eligible students for the year covered by the grant; and

"(ii) adjust the grant amount received by the eligible institution to reflect the actual number of eligible students, which may include applying the relevant adjustment to such grant amount in the subsequent award year.

"(b) DUPLICATE GRANTS PROHIBITED.—An institution shall not receive more than one grant at a time under this subpart.

"(c) APPLICATION.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary that includes—

"(1) an assurance that the institution commits to maintaining, expanding, or adopting and implementing evidence-based institutional reforms or practices to improve student outcomes, which shall include one or more of the practices described in section 795D(b)(1); and

"(2) in the case of an eligible institution that enrolls students who transfer from another institution, an assurance that the institution—

"(A) commits to increasing the transferability of individual courses within certificate or associate programs offered by community colleges in the State to related baccalaureate programs offered by such institution to maximize the transferability of credits for students who transfer before completing an associate degree;

"(B) will ensure that students attending community colleges in the State have access to comprehensive counseling and other easily accessible tools regarding the process for transferring to such institution; and

"(C) has a formal, statewide articulation agreement with community colleges in the State in which such institution operates that, at a minimum, ensures that associate degrees awarded by community colleges in the State are fully transferable to, and credited as, the first 2 years of related baccalaureate programs at such institution.

"(d) USE OF FUNDS.—

"(1) REQUIRED USE.—Funds awarded under this subpart to a participating eligible institution shall be used to reduce tuition and fees for eligible students by an amount that is not less than the minimum per-student amount described in paragraph (2), unless the actual cost of tuition and fees at such institution is not more than such per-student amount, in which case such institution shall use such funds to waive all such tuition and fees charged to such students and use any remaining funds in accordance with paragraph (3).

"(2) MINIMUM PER-STUDENT AMOUNT.—The minimum per-student amount described in this paragraph shall be equal to—

"(A) for the 2023–2024 award year, the median resident community college tuition and fees per student in all States, not weighted for enrollment, for the most recent award year for which data are available; and

"(B) for the 2024–2025 award year and each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—

"(i) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

"(ii) 3 percent.

"(3) ADDITIONAL USES.—A participating eligible institution shall use any grant funds remaining after meeting the requirements of paragraph (1) to provide financial aid to eligible students that may be used by such students to pay for any component of cost of attendance other than tuition and fees, which may include emergency financial aid grants.

"(e) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to carry out activities under this subpart.

"(f) SIXTY CREDITS.—Funds under this subpart may only be used to waive or reduce tuition and fees for the first 60 credits for which an eligible student is enrolled in the participating eligible institution except that, when calculating the number of credits in which the student has been enrolled for the purpose of carrying out this subpart—

"(1) no student shall be considered to have been enrolled for more than 12 credits per semester (or the equivalent) during the period for which the student is receiving benefits under this subpart; and

"(2) the participating eligible institution may exclude any credits that a student enrolled in and did not complete at such institution if the institution determines that such exclusion would be in the best interest of the student, except that an institution may exclude no more than 15 credits under this paragraph for each individual student.

"(g) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including reduction of tuition and fees and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

"SEC. 796D. DEFINITIONS.

"In this subpart:

"(1) ALASKA NATIVE-SERVING INSTITUTION.—The term 'Alaska Native-serving institution' has the meaning given such term in section 317(b).

"(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' has the meaning given such term in section 371(c).

"(3) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given such term in section 472.

"(4) ELIGIBLE INSTITUTION.—

"(A) IN GENERAL.—The term 'eligible institution' means a public or nonprofit 4-year institution of higher education that has an undergraduate student body of which not less than 35 percent are low-income students.

"(B) CONTINUING ELIGIBILITY.—The Secretary's determination of whether an institution meets the requirement under subparagraph (A) shall be based on the most recent data available, and shall be reviewed annually to ensure that the institution continues to meet the requirements for participation.

"(5) ELIGIBLE STUDENT.—

"(A) IN GENERAL.—The term 'eligible student' means a student, regardless of age, who—

"(i) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a participating eligible institution, on at least a half-time basis;

"(ii) is a low-income student;

"(iii) has been enrolled at such participating eligible institution under this subpart for not more than 60 credits, subject to section 796C(f);

"(iv) has not been enrolled (whether full-time or less than full-time) for more than 6 semesters (or the equivalent) for which the student received a benefit under this subpart;

"(v) is not enrolled in a dual or concurrent enrollment program or early college high school;

"(vi) has not completed an undergraduate baccalaureate course of study; and

"(vii) 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.

"(B) CONTINUED ELIGIBILITY.—In the case of an eligible student who receives assistance under this subpart and attends an institution that loses status as an eligible institution or as an institution described in section 796B(a), the student may continue to receive such assistance for the period for which the student would have been eligible if the institution at which they are enrolled had retained such status.

"(6) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given such term in section 502.

"(7) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' means a part B institution as defined in section 322.

"(8) LOW-INCOME STUDENT.—The term 'low-income student' means a student who meets the financial eligibility criteria for receiving a Federal Pell Grant under section 401, regardless of whether such student is otherwise eligible to receive such Federal Pell Grant.

"(9) NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTION.—The term 'Native American-serving nontribal institution' has the meaning given such term in section 319.

"(10) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term 'Native Hawaiian-serving institution' has the meaning given such term in section 317(b).

"(11) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black institution' has the meaning given such term in section 371(c).

"(12) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given such term in section 316(b)(3).

"SEC. 796E. SUNSET.

"(a) IN GENERAL.—The authority to make grants under this subpart shall expire at the end of award year 2029–2030.

"(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 subpart.

"SEC. 796F. APPROPRIATION.

"In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this subpart.".

SEC. 20024. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, AND GUAM COLLEGE ACCESS.

Part F of title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.), as added and amended by this Act, is further amended by adding at the end the following:

"SEC. 798. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, AND GUAM COLLEGE ACCESS GRANTS.

"(a) GRANTS.—

"(1) GRANT AMOUNTS.—

"(A) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this section, the Secretary shall provide such sums as may be necessary to the Governors of each outlying area for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees

charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

"(B) MAXIMUM STUDENT AMOUNTS.—The amount paid on behalf of an eligible student under this section shall be—

"(i) not more than $15,000 for any one award year (as defined in section 481); and

"(ii) not more than $75,000 in the aggregate.

"(C) PRORATION.—The Governor shall prorate payments under this section with respect to eligible students who attend an eligible institution on less than a full-time basis.

"(2) APPLICATION.—Each eligible student desiring a payment under this section shall submit an application to the eligible institution at which such student is enrolled or plans to enroll.

"(3) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including tuition payments and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

"(b) ADMINISTRATION OF PROGRAM.—

"(1) IN GENERAL.—Each Governor shall carry out the program under this section in consultation with the Secretary. Each Governor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section.

"(2) MEMORANDUM OF AGREEMENT.—Each Governor and the Secretary shall enter into a memorandum of agreement that describes—

"(A) the manner in which the Governor will consult with the Secretary with respect to administering the program under this section; and

"(B) any technical or other assistance to be provided to the Governor by the Secretary for purposes of administering the program under this section (which may include access to the information in the Free Application for Federal Student Aid described in section 483).

"(3) CONSTRUCTION.—Nothing in this section shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

"(4) GRANT AUTHORITY.—The authority to make grants under this section shall expire at the end of award year 2029–2030.

"(c) 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 section.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that—

"(A) is a public four-year institution of higher education located in one of the several States of the United States, the District of Columbia, Puerto Rico, or an outlying area;

"(B) is eligible to participate in the student financial assistance programs under title IV; and

"(C) enters into an agreement with the Governor of an outlying area, or with two or more of such Governors (ex-

cept that such institution may not enter into an agreement with the Governor of the outlying area in which such institution is located), containing such conditions as each Governor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from outlying areas.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(A) was domiciled in an outlying area for not less than 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

"(B) has not completed an undergraduate baccalaureate course of study;

"(C) begins the individual's course of study at an eligible institution within 3 calendar years (excluding any period of service on active duty in the Armed Forces or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of—

"(i) graduation from secondary school, or obtaining the recognized equivalent of a secondary school diploma; or

"(ii) transfer from an institution of higher education located in an outlying area (including transfer following the completion of an associate degree or certificate at such institution); and

"(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a baccalaureate degree or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) GOVERNOR.—The term 'Governor' means the Governor of an outlying area.

"(5) OUTLYING AREA.—The term 'outlying area' means the Northern Mariana Islands, American Samoa, the United States Virgin Islands, and Guam.

"(e) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this section.".

Subpart B—Pell Grants and Student Loans

SEC. 20031. INCREASING THE MAXIMUM FEDERAL PELL GRANT.

(a) AWARD YEAR 2022–2023.—Section 401(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)) is amended—

(1) in subparagraph (A)(iii), by inserting "and such sums as may be necessary for fiscal year 2022 to carry out the $500 in-

crease provided under subparagraph (C)(iii)" before "; and"; and

(2) in subparagraph (C)(iii), by inserting before the period at the end the following: ", except that, for award year 2022–2023, such amount shall be increased by $500".

(b) SUBSEQUENT AWARD YEARS THROUGH 2029–2030.—

(1) IN GENERAL.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(A) in paragraph (5)(A)—

(i) in clause (i), by striking "and" after the semicolon;

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

"(ii) for each of award years 2023–2024 through 2029–2030, an additional $500; and"; and

(B) in paragraph (6)(A)—

(i) in clause (i)—

(I) by striking "appropriated) such" and inserting the following: "appropriated)—

"(I) such"; and

(II) by adding at the end the following:

"(II) such sums as are necessary to carry out paragraph (5)(A)(ii) for each of fiscal years 2023 through 2029; and"; and

(ii) in clause (ii), by striking "(5)(A)(ii)" and inserting "(5)(A)(iii)".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260) and in accordance with section 701(b) of such Act.

SEC. 20032. FEDERAL STUDENT AID ELIGIBILITY.

Section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting ", or, with respect to any grant, loan, or work assistance received under this title for award years 2022–2023 through 2029–2030, be subject to a grant of deferred enforced departure or have deferred action pursuant to the Deferred Action for Childhood Arrivals policy of the Secretary of Homeland Security or temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a)" after "becoming a citizen or permanent resident".

SEC. 20033. ACTIVE DUTY DEFERMENT PERIODS COUNTED TOWARD PUBLIC SERVICE LOAN FORGIVENESS.

Section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(3) by inserting after paragraph (1) the following:

"(2) ACTIVE DUTY DEFERMENT PERIODS.—

"(A) IN GENERAL.—Notwithstanding paragraph(1)(A) and subject to subparagraph (B), the Secretary shall deem each month for which a loan payment was in deferment under subsection (f)(2) of this section or for which a loan payment was in forbearance under section 685.205(a)(7) of title 34, Code of Federal Regulations, (or similar successor regulations), for a borrower described in subsection (f)(2)(C) as if the borrower of the loan had made a payment for the purpose of public service loan forgiveness under this subsection.

"(B) LIMITATION.—Subparagraph (A) shall apply only to eligible Federal Direct Loans originated before the first day of fiscal year 2031.".

Subpart C—Investments in Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions

SEC. 20041. INSTITUTIONAL AID.

(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) $113,738,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2022;

(2) $113,738,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2023;

(3) $113,738,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2024;

(4) $113,738,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2025;

(5) $113,738,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2026;

(6) $113,738,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2022;

(7) $113,738,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2023;

(8) $113,738,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(C) of the Higher Edu-

cation Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2024;

(9) $113,738,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2025;

(10) $113,738,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2026;

(11) $34,104,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2022;

(12) $34,104,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2023;

(13) $34,104,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2024;

(14) $34,104,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2025;

(15) $34,104,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2026;

(16) $17,052,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2022;

(17) $17,052,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2023;

(18) $17,052,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2024;

(19) $17,052,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2025;

(20) $17,052,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2026;

(21) $5,684,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2022;

(22) $5,684,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2023;

(23) $5,684,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2024;

(24) $5,684,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2025;

(25) $5,684,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2026;

(26) $5,684,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year 2022;

(27) $5,684,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year 2023;

(28) $5,684,000, to remain available until September 30, 2024, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year 2024;

(29) $5,684,000, to remain available until September 30, 2025, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year 2025; and

(30) $5,684,000, to remain available until September 30, 2026, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year 2026;

(b) USE OF FUNDS.—The Secretary shall use 15 percent of each of the amounts appropriated under paragraphs (6) through (10) of subsection (a) to award 25 additional grants under section 371(b)(2)(C)(ii).

SEC. 20042. RESEARCH AND DEVELOPMENT INFRASTRUCTURE COMPETITIVE GRANT PROGRAM.

Title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.) is amended—

(1) by redesignating part G as part H; and

(2) by inserting after section 371 the following:

"PART G—IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR MINORITY-SERVING INSTITUTIONS

"SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR MINORITY-SERVING INSTITUTIONS.

"(a) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution that—

"(1) is described in section 371(a);

"(2) is a 4-year institution; and

"(3) is not an institution classified as very high research activity by the Carnegie Classification of Institutions of Higher Education.

"(b) AUTHORIZATION OF GRANT PROGRAMS.—

"(1) PLANNING GRANTS.—The Secretary shall award planning grants, on a competitive basis, to eligible institutions to assist the eligible institutions in developing a strategic plan, assessing capacity, and carrying out other activities to develop and submit an application for an implementation grant under paragraph (2) to support research and development infrastructure. Planning grants awarded under this paragraph shall be for a period of 1 to 2 years.

"(2) IMPLEMENTATION GRANTS.—The Secretary shall award implementation grants, on a competitive basis, to eligible institutions to assist the eligible institutions in supporting research and development infrastructure. Implementation grants awarded under this paragraph shall be for a period of 1 to 5 years.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—

"(A) PLANNING GRANTS.—An eligible institution that desires to receive a planning grant under subsection (b)(1) shall submit an application to the Secretary. Such application shall include—

"(i) a description of the activities that will be carried out with grant funds; and

"(ii) an assurance that the grant funds provided under subsection (b)(1) shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to develop a plan, assess capacity, or carry out other activities related to research and development infrastructure.

"(B) IMPLEMENTATION GRANTS.—

"(i) IN GENERAL.—An eligible institution that desires to receive an implementation grant under subsection (b)(2) shall submit an application to the Secretary. Such application shall include—

"(I) a description of the projects that will be carried out with grant funds and, in the case of an institution that was previously awarded a planning grant under subsection (b)(1), the strategic plan developed as part of such planning grant;

"(II) a description of how such projects will support the research and development infrastructure of the institution; and

"(III) an assurance that the grant funds provided under subsection (b)(2) shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to support research and development infrastructure.

"(2) CONSORTIA.—An eligible institution may apply to receive a grant under this section on behalf of a consortium, which may include institutions classified as very high research activity by the Carnegie Classification of Institutions of Higher Education, two-year institutions of higher education, and other academic partners, philanthropic organizations, and industry partners, provided that the eligible institution is the lead member and fiscal agent of the consortium.

"(3) NO COMPREHENSIVE DEVELOPMENT PLAN.—The requirement under section 391(b)(1) shall not apply to grants awarded under this section.

"(d) PRIORITY IN AWARDS.—In awarding planning and implementation grants under this section, the Secretary shall give priority to eligible institutions that meet any of the following:

"(1) Received less than $10,000,000 for the previous fiscal year for research and development from all Federal sources combined, except that, in the case of an eligible institution being considered for an implementation grant, the calculation of such amount shall not include a planning grant under this section.

"(2) In the case of eligible institutions being considered for an implementation grant, have received a planning grant under this section and have developed and submitted to the Secretary a high-quality strategic plan, in accordance with the requirements of such planning grant.

"(e) USE OF FUNDS.—

"(1) PLANNING GRANTS.—An eligible institution that receives a planning grant under subsection (b)(1) shall use the grant funds to develop a strategic plan, assess capacity, and carry out other activities to develop and submit an application for an implementation grant to support research and development infrastructure. In carrying out the activities under such grant, each such eligible institution—

"(A) shall develop a high-quality strategic plan for improving institutional research and development infrastructure that includes—

"(i) an assessment of the existing institutional research capacity and research and development infrastructure; and

"(ii) a detailed description of how research and development infrastructure funds provided by an implementation grant under this section would be used to increase institutional research capacity and support research and development infrastructure; and

"(B) in developing such strategic plan, may work in partnership with entities described in subsection (c)(2) to identify and secure non-Federal funding to support research and development infrastructure.

"(2) IMPLEMENTATION GRANTS.—An eligible institution that receives an implementation grant under subsection (b)(2) shall use the grant funds to support research and development infrastructure, which shall include carrying out at least one of the following activities:

"(A) Providing funding for a program under paragraph (1), (2), or (9) of section 311(c) or under paragraph (1), (2), or (8) of section 503(b) related to research and development infrastructure that is being carried out by the eligible institution on the date on which the eligible institution receives a grant under this section.

"(B) Providing for the improvement of infrastructure existing on the date of the grant award, including deferred maintenance, or the establishment of new physical infrastructure, including instructional program spaces, laboratories, or research facilities relating to the fields of science, technology, engineering, the arts, mathematics, health, agriculture, education, medicine, law, and other disciplines.

"(C) Hiring and retaining faculty, students, research-related staff, or other personnel, including research personnel skilled in operating, using, or applying technology, equipment, or devices used to conduct or support research.

"(D) Supporting research internships and fellowships for students, including undergraduate, graduate, and post-doctoral positions, which may include providing direct student financial assistance to such students.

"(E) Creating new, or expanding existing, academic positions, including internships, fellowships, and post-doctoral positions, in fields of research for which research and development infrastructure funds have been awarded under this section.

"(F) Creating and supporting inter- and intra-institutional research centers (including formal and informal communities of practice) in fields of research for which research and development infrastructure funds have been awarded under this section, including hiring staff, purchasing supplies and equipment, and funding travel to relevant conferences and seminars to support the work of such centers.

"(G) Building new institutional support structures and departments that help faculty learn about, and increase faculty and student access to, Federal research and development grant funds and non-Federal academic research grants.

"(H) Building data and collaboration infrastructure so that early findings and research can be securely shared to facilitate peer review and other appropriate collaboration.

"(I) Providing programs of study and courses in fields of research for which research and development infrastructure funds have been awarded under this section.

"(J) Paying operating and administrative expenses for, and coordinating project partnerships with members of, a consortium described in subsection (c)(2) on behalf of which the eligible institution has received a grant under this section.

"(K) Installing or extending the life and usability of basic systems and components of campus facilities related to research, including high-speed broadband internet infrastructure sufficient to support digital and technology-based learning.

"(L) Expanding, remodeling, renovating, or altering biomedical and behavioral research facilities existing on the date of the grant award that receive support under section 404I of the Public Health Service Act (42 U.S.C. 283k).

"(M) Acquiring and installing furniture, fixtures, and instructional research-related equipment and technology for academic instruction in campus facilities in fields of research for which research and development infrastructure funds have been awarded under this section.

"(N) Providing increased funding to programs that support research and development at the eligible institution that are funded by National Institutes of Health, including the Path to Excellence and Innovation program with the National Institutes of Health.

"(f) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided with grant funds awarded under this section (including direct student financial assistance) on the basis of citizenship, alienage, or immigration status.

"(g) SUNSET.—

"(1) IN GENERAL.—The authority to make—

"(A) planning grants under subsection (b)(1) shall expire at the end of fiscal year 2025; and

"(B) implementation grants under subsection (b)(2) shall expire at the end of fiscal year 2027.

"(2) 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 section.

"(h) 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, 2028, for carrying out this section.".

PART 3—MISCELLANEOUS

SEC. 20051. OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants,

and projects funded under this subtitle and sections 22101 and 22102 carried out by the Office of Inspector General.

SEC. 20052. PROGRAM ADMINISTRATION FUNDS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $738,000,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle and sections 22101 and 22102.

SEC. 20053. STUDENT AID ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $91,000,000, to remain available through September 30, 2030, for Student Aid Administration within the Department of Education for necessary administrative expenses associated with carrying out this subtitle.

Subtitle B—Labor Matters

SEC. 21001. DEPARTMENT OF LABOR.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Department of Labor for fiscal year 2022, to remain available until September 30, 2026, the following amounts:

(1) $195,000,000 to the Employee Benefits Security Administration for carrying out enforcement activities.

(2) $707,000,000 to the Occupational Safety and Health Administration for carrying out enforcement, standards development, whistleblower investigations, compliance assistance, funding for State plans, and related activities within the Occupational Safety and Health Administration.

(3) $133,000,000 to the Mine Safety and Health Administration for carrying out enforcement, standard setting, technical assistance, and related activities.

(4) $405,000,000 to the Wage and Hour Division for carrying out activities.

(5) $121,000,000 to the Office of Workers' Compensation Programs for carrying out activities of the Office relating to claims activity, policy and standards development, and monitoring of State workers' compensation programs.

(6) $201,000,000 to the Office of Federal Contract Compliance Programs for carrying out audit, investigation, enforcement, and compliance assistance, and other activities.

(7) $176,000,000 to the Office of the Solicitor for carrying out necessary legal support for activities carried out by the Office related to and in support of the activities of those Department of Labor agencies receiving additional funding in this section.

SEC. 21002. NATIONAL LABOR RELATIONS BOARD.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the National Labor Relations Board for fiscal year 2022, $350,000,000, to remain available until September 30, 2026, for

carrying out the activities of the Board, of which not more than $5,000,000 shall be for the implementation of systems to conduct electronic voting for union representation elections.

SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Equal Employment Opportunity Commission for fiscal year 2022, $321,000,000, to remain available until September 30, 2026, for carrying out investigation, enforcement, outreach, and related activities.

SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.

(a) OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking "$70,000" and inserting "$700,000"; and

(B) by striking "$5,000" and inserting "$50,000";

(2) in subsection (b), by striking "$7,000" and inserting "$70,000"; and

(3) in subsection (d), by striking "$7,000" and inserting "$70,000".

(b) FAIR LABOR STANDARDS ACT OF 1938.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "$11,000" and inserting "$132,270"; and

(B) in clause (ii), by striking "$50,000" and inserting "$601,150"; and

(2) in paragraph (2)—

(A) in the first sentence, by striking "$1,100" and inserting "$20,740"; and

(B) in the second sentence, by striking "$1,100" and inserting "$11,620".

(c) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—Section 503(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking "$1,000" and inserting "$25,790".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIOLATIONS.

(a) CIVIL MONETARY PENALTIES RELATING TO PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—Section 502(c)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

(1) in the heading, by striking "USE OF GENETIC INFORMATION" and inserting "USE OF GENETIC INFORMATION AND PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS"; and

(2) in subparagraph (A)—

(A) by striking "any plan sponsor of a group health plan" and inserting "any plan sponsor or plan administrator of a group health plan"; and

(B) by striking "for any failure" and all that follows through "in connection with the plan." and inserting "for any failure by such sponsor, administrator, or issuer, in connection with the plan—

"(i) to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information; or

"(ii) to meet the requirements of subsection (a) of section 712 with respect to parity in mental health and substance use disorder benefits.".

(b) EXCEPTION TO THE GENERAL PROHIBITION ON ENFORCEMENT.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "or (9)" and inserting "(9), or (10)"; and

(2) in subsection (b)(3)—

(A) by striking "subsections (c)(9) and (a)(6)" and inserting "subsections (c)(9), (c)(10), and (a)(6)";

(B) by striking "under subsection (c)(9))" and inserting "under subsections (c)(9) and (c)(10)), and except with respect to enforcement by the Secretary of section 712"; and

(C) by striking "706(a)(1)" and inserting "733(a)(1)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to group health plans, or any health insurance issuer offering health insurance coverage in connection with such plan, for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 21006. PENALTIES UNDER THE NATIONAL LABOR RELATIONS ACT.

(a) IN GENERAL.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(1) by striking "**SEC. 12.** Any person" and inserting the following:

"SEC. 12. PENALTIES.

"(a) VIOLATIONS FOR INTERFERENCE WITH BOARD.—Any person"; and

(2) by adding at the end the following:

"(b) CIVIL PENALTIES FOR UNFAIR LABOR PRACTICES.—Any employer who commits an unfair labor practice within the meaning of section 8(a) affecting commerce shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, except that, with respect to such an unfair labor practice within the meaning of paragraph (3) or (4) of section 8(a) or such a violation of section 8(a) that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed $100,000, in any case where the employer has within the preceding 5 years committed another such violation of such paragraph (3) or (4) or such violation of section 8(a) that results in such discharge or other serious economic harm. A civil penalty under this paragraph shall be in addition to any other remedy ordered by the Board.

"(c) CONSIDERATIONS.—In determining the amount of any civil penalty under this section, the Board shall consider—

"(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

"(2) the size of the employer;

"(3) the history of previous unfair labor practices or other actions by the employer resulting in a penalty; and

"(4) the public interest.

"(d) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer's personal liability is warranted, a civil penalty for a violation described in this section may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.".

(b) ADDITIONAL PENALTIES.—The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by inserting after section 12 (29 U.S.C. 162) the following:

"SEC. 12A. ADDITIONAL PENALTIES.

"(a) CIVIL PENALTIES FOR ADDITIONAL CONDUCT.—Any employer who violates subsection (d) affecting commerce shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, except that, with respect to such a violation that results in the discharge of an employee or other serious economic harm to an employee, the Board shall double the amount of such penalty, to an amount not to exceed $100,000, in any case where the employer has within the preceding 5 years committed another such violation of subsection (d) that results in such discharge or other serious economic harm.

"(b) CONSIDERATIONS.—In determining the amount of any civil penalty under this section, the Board shall consider—

"(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the charging party or on other persons seeking to exercise rights guaranteed by this Act;

"(2) the size of the employer;

"(3) the history of previous unfair labor practices or other actions by the employer resulting in a penalty; and

"(4) the public interest.

"(c) DIRECTOR AND OFFICER LIABILITY.—If the Board determines, based on the particular facts and circumstances presented, that a director or officer's personal liability is warranted, a civil penalty for a violation described in this section may also be assessed against any director or officer of the employer who directed or committed the violation, had established a policy that led to such a violation, or had actual or constructive knowledge of and the authority to prevent the violation and failed to prevent the violation.

"(d) PROHIBITION.—It shall be unlawful for an employer—

"(1) to promise, threaten, or take any action—

"(A) to permanently replace an employee who participates in a strike as defined by section 501(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 142(2));

"(B) to discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such a strike; or

"(C) to lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a strike;

"(2) to communicate or misrepresent to an employee under section 2(3) that such employee is excluded from the definition of employee under section 2(3);

"(3) to require or coerce an employee to attend or participate in such employer's campaign activities unrelated to the employee's job duties, including activities that are subject to the requirements under section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(b)); or

"(4) to violate subsection (e).

"(e) COLLECTIVE ACTION.—

"(1) IN GENERAL.—No employer shall—

"(A) enter into or attempt to enforce any agreement, express or implied, whereby prior to a dispute to which the agreement applies, an employee undertakes or promises not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee in any forum that, but for such agreement, is of competent jurisdiction;

"(B) coerce an employee into undertaking or promising not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee; or

"(C) retaliate or threaten to retaliate against an employee for refusing to undertake or promise not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee.

"(2) EXCEPTION.—This subsection shall not apply to any agreement embodied in or expressly permitted by a contract between an employer and a labor organization.

"(f) ENFORCEMENT.—The provisions of section 10 and 11 shall apply to a violation of this section in the same manner as such provisions apply to an unfair labor practice, except that—

"(1) an order under section 10 with respect to a violation of this section—

"(A) shall require only that the person in such violation pay a civil penalty under subsection (a); and

"(B) shall not include a requirement for a person to cease and desist such violation or any form of affirmative action other than the payment of such penalty;

"(2) a petition under subsection (e) of section 10 with respect to a violation of this section may be only for enforcement of an order for the payment of a civil penalty under subsection (a);

"(3) a petition under subsection (f) of section 10 with respect to a violation of this section may be only for review of an order for the payment of such a civil penalty; and

"(4) a court under section 10 may not grant any form of relief, including temporary relief, a restraining order, or any other form of injunctive relief, for a violation of this section other than a decree to enforce, modify, or set aside in whole or in part an order of the Board imposing a civil penalty under subsection (a) for a violation of this section.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2022.

Subtitle C—Workforce Development Matters

PART 1—DEPARTMENT OF LABOR

SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $16,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subsection (b)(2) of section 132 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172), reserved and allocated to local areas in accordance with subsections (a) and (b)(1)(B) of section 133 of such Act (29 U.S.C. 3173), and reserved by such local areas as follows:

(1) Not less than 20 percent shall be reserved for carrying out the career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) and expanding access to the individualized career services described in section 134(c)(2)(A)(xii) of such Act (29 U.S.C. 3174(c)(2)(A)(xii)).

(2) Not less than 20 percent shall be reserved for carrying out the supportive services and providing the needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)), except that for purposes of the reservation under this paragraph the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) Not less than 50 percent shall be reserved for carrying out the training services—

(A) of which, not less than 60 percent shall be made available for individual training accounts authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)).

(B) except that for purposes of providing transitional jobs as part of those services under this section, section 134(d)(5) of such Act (29 U.S.C. 3174(d)(5)) shall be applied by substituting "40 percent" for "10 percent".

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide

employment and training activities for dislocated workers, including funds provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subsection (b)(1) of section 132 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172), reserved and allocated to local areas in accordance with subsections (a) and (b)(1)(A) of section 133 of such Act (29 U.S.C. 3173), and reserved by such local areas as follows:

(1) Not less than 20 percent shall be reserved for carrying out the career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) and expanding access to the individualized career services described in section 134(c)(2)(A)(xii) of such Act (29 U.S.C. 3174(c)(2)(A)(xii)).

(2) Not less than 10 percent shall be reserved for carrying out the supportive services and providing the needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)).

(3) Not less than 50 percent shall be reserved for carrying out the training services—

(A) of which, not less than 60 percent shall be made available for individual training accounts or contracts authorized under of section 134(c)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)); and

(B) except that for purposes of providing incumbent worker training as part of those services under this section, if such training is provided to low-wage workers, section 134(d)(4)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(4)(A)(i)) shall be applied by substituting "40 percent" for "20 percent".

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide adult employment and training activities, including funds provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 22003. YOUTH WORKFORCE INVESTMENT ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,054,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subparagraphs (B) and (C) of section 127(b)(1) of the

Workforce Innovation and Opportunity Act (29 U.S.C. 3162(b)(1)), reserved and allocated to local areas in accordance with subsections (a) and (b) of section 128 of such Act (29 U.S.C. 3163), and reserved by such local areas as follows:

(1) 25 percent shall be reserved for carrying out the youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164 et seq.).

(2) 75 percent shall be reserved to provide opportunities for in-school youth and out-of-school youth to participate in paid work experiences described in subsection (c)(2)(C) of section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164).

(b) PARTNERSHIPS.—Not less than 20 percent of amounts made available under subsection (a) shall be used by local areas to partner with community-based organizations serving out-of-school youth to carry out activities described in paragraphs (1) and (2) of subsection (a), including those residing in high-crime or high-poverty areas.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 22004. EMPLOYMENT SERVICE.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031

(1) $1,250,000,000 for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act (29 U.S.C. 49f), which shall be allotted in accordance with section 6 of such Act (29 U.S.C. 49e), except that, for purposes of this section, funds shall also be provided to the Commonwealth of the Northern Mariana Islands and American Samoa in amounts the Secretary determines appropriate prior to the allotments being made in accordance with section 6 of such Act (29 U.S.C. 49d).

(2) $100,000,000 for carrying out improvements to the workforce and labor market information systems authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l-2).

SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for carrying out ex-offender activities, under the authority of section 169 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224). Not less than 25 percent of such funds shall be for competitive grants to national and regional intermediaries for activities that prepare for employment of young adults with criminal records, young

adults who have been justice system-involved, or young adults who have dropped out of school or other educational programs, with a priority for projects serving high-crime, high-poverty areas.

SEC. 22006. REGISTERED APPRENTICESHIPS, YOUTH APPRENTICESHIPS, AND PRE-APPRENTICESHIPS.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, to carry out activities through grants, cooperative agreements, contracts or other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, to create or expand only—

(1) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

(2) youth apprenticeship programs and pre-apprenticeship programs that articulate to apprenticeship programs described in paragraph (1).

(b) RESERVATION.—Not less than 50 percent of the funds made available under section (a) shall be reserved for—

(1) entities serving a high number or high percentage of individuals with barriers to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including individuals with disabilities, or nontraditional apprenticeship populations; or

(2) youth apprenticeships or pre-apprenticeships that articulate to such registered apprenticeships programs.

SEC. 22007. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.

(a) DEFINITIONS.—In this section—

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(c)), including a Tribal College or University (as defined in section 316 of such Act (20 U.S.C. 1059c)), or a consortium of such institutions—

(A) at which the highest degree awarded is an associate degree; or an associate degree is the predominant degree awarded; and

(B) that is working directly with an industry or sector partnership, or in the process of establishing such partnership, to carry out a grant under this section.

(2) PERKINS CTE DEFINITIONS.—The terms "career and technical education", "career guidance and academic counseling" , "dual or concurrent enrollment program", "evidence-based" and "work-based learning" have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship registered under the Act of August 16, 1937 (commonly known as

the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(5) WIOA DEFINITIONS.—

(A) IN GENERAL.—The terms "career pathway", "in-demand industry sector or occupation", "individual with a barrier to employment", "industry or sector partnership", "integrated education and training", "recognized postsecondary credential" and "supportive services" have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(B) CAREER SERVICES.—The term "career services" means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(2)).

(b) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor 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, except that no amounts may be expended after September 30, 2031, to carry out this section.

(c) GRANTS.—From funds appropriated under subsection (b) and not reserved under subsection (e), and under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), the Secretary shall award grants on a competitive basis to eligible institutions for the purposes of expanding workforce development and employment opportunities in high-skill, high-wage, or in-demand industry sectors or occupations. To receive such a grant, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary, including a description of the related programs, recognized postsecondary credentials, and employment opportunities.

(d) USE OF GRANT FUNDS.—

(1) IN GENERAL.—An eligible institution awarded a grant under this section shall use such grant funds to expand opportunities for attainment of recognized postsecondary credentials that are nationally portable and stackable for high-skill, high-wage, or in-demand industry sectors or occupations by—

(A) establishing, improving, or scaling high-quality, evidence-based education and training programs, such as career and technical education programs, career pathway programs, and work-based learning programs (including programs of registered apprenticeships or pre-apprenticeships that articulate to registered apprenticeships);

(B) creating, developing, or expanding articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965 (20 U.S.C. 1093a(a))), credit transfer agreements, corequisite remediation programs, dual or concurrent enrollment programs, or policies and processes to award academic credit for prior learning or career training programs supported by the funds described in subsection (c);

(C) making available open, searchable, and comparable information on curriculum or recognized postsecondary credentials, including those created or developed using such funds, and information on the related skills or competencies, and related employment and earnings outcomes;

(D) establishing or implementing plans for providers of programs supported with such funds to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d));

(E) purchasing, leasing, or refurbishing specialized equipment necessary to carry out the education or career training programs supported by such funds;

(F) reducing or eliminating out-of-pocket expenses related to participants' cost of attendance in the education or career training activities supported by such funds; or

(G) establishing or expanding industry or sector partnerships to successfully carry out the activities described in subparagraphs (A) through (F).

(2) RESERVATION.—An eligible institution awarded a grant under this section shall use not less than 15 percent of such grant funds to provide services to help individuals with barriers to employment complete and successfully transition out of education or career training programs supported by such funds, which shall include providing supportive services, career services, career guidance and academic counseling, or job placement assistance.

(e) RESERVATIONS.—From the amounts made available under subsection (b), the Secretary shall reserve not more than 5 percent for—

(1) targeted outreach to eligible institutions serving a high number or high percentage of low-income individuals or individuals with barriers to employment, and rural-serving eligible institutions, to provide guidance and assistance in the grant application process under this section;

(2) administration of the program described in this section, including providing technical assistance and oversight to support eligible institutions (including consortia of eligible institutions); and

(3) evaluating and reporting on the performance and impact of programs funded under this section.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college education or career training programs.

SEC. 22008. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, to carry out this section.

(b) GRANTS.—From amounts appropriated under subsection (a) and not reserved under subsection (d), and under the authority of

section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), the Secretary shall award grants on a competitive basis to eligible partnerships for the purposes of expanding workforce development and employment opportunities for high-skill, high-wage, or in-demand industry sectors or occupations, including information technology, clean energy, arts and entertainment, infrastructure and transportation, advanced manufacturing, health care, public health, home care, and early childhood care and education. To receive such a grant, an eligible partnership shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary.

(c) USES OF FUNDS.—An eligible partnership awarded such a grant under this section shall use—

(1) such grant funds to engage and regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused;

(2) not less than 50 percent of such grant funds to directly provide, or arrange for the provision of, high-quality, evidence-based training for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused, which shall include—

(A) training services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3))) provided through contracts that meet the requirements of that section 134(c)(3); or

(B) training provided through registered apprenticeship programs, youth apprenticeship, or pre-apprenticeship programs that articulate to registered apprenticeship programs, or through joint labor-management partnerships; and

(C) establishing or implementing plans for providers of programs supported with such funds to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(3) not less than 15 percent of such grant funds to directly provide, or arrange for the provision of, services to help individuals with barriers to employment complete and successfully transition out of training described in paragraph (2), which services shall include career services, supportive services, or the provision of needs-related payments authorized under subsections (c)(2), (d)(2), and (d)(3) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174).

(d) RESERVATIONS.—

(1) IN GENERAL.—From the amounts made available under subsection (a), the Secretary shall reserve not more than 5 percent for—

(A) targeted outreach and support to eligible partnerships serving local areas with high unemployment rates or high percentages of individuals with low incomes or individuals with barriers to employment, to provide guidance

and assistance in the grant application process under this section;

(B) administration of the program described in this section, including providing comprehensive technical assistance and oversight to support eligible partnerships; and

(C) evaluating and reporting on the performance and impact of programs funded under this section.

(2) STATE BOARD OR LOCAL BOARD FUNDS.—From amounts made available under subsection (a), the Secretary shall reserve not less than 5 percent to provide direct assistance to State boards or local boards to support the creation or expansion of industry or sector partnerships in local areas with high unemployment rates or high percentages of individuals with low incomes or individuals with barriers to employment, as compared to State or national averages for such rates or percentages.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support activities described in this section.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means—

(A) an industry or sector partnership, which shall include multiple representatives described in each of clauses (i) through (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

(B) a partnership of multiple entities described in section 3(26) of such Act (29 U.S.C. 3102(26)), and a State board or local board, that is in the process of establishing an industry or sector partnership.

(2) PERKINS CTE DEFINITIONS.—The terms "career guidance and academic counseling" and "evidence-based" have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(5) WIOA DEFINITIONS.—The terms "career pathway", "in-demand industry sector or occupation", "individual with a barrier to employment", "industry or sector partnership", "local area", "local board", and "State board" have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

SEC. 22009. JOB CORPS.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, ex-

cept that no amounts may be expended after September 30, 2031, for the Job Corps program authorized under section 143 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193), including improving and expanding access to allowances and supports described in section 150 of such Act (29 U.S.C. 3200), except that for the purposes of this section, outlying areas as defined in section 3 of such Act (29 U.S.C. 3102) shall be considered eligible to receive funds under this section. Of such funds, no less than $750,000,000 shall be reserved for construction, rehabilitation and acquisition of Job Corps Centers.

SEC. 22010. NATIVE AMERICAN PROGRAMS.

In addition to amounts otherwise made 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, except that no amounts may be expended after September 30, 2031, for the Native American programs authorized under the Workforce Innovation and Opportunity Act.

SEC. 22011. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

In addition to amounts otherwise made 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, except that no amounts may be expended after September 30, 2031, for the migrant and seasonal farmworker programs authorized under Workforce Innovation and Opportunity Act, except that, for purposes of providing services under those programs to low-income individuals under this section, section 3(36)(A)(ii)(I) of such Act (29 U.S.C. 3102(36)(A)(ii)(I)) shall be applied by substituting "150 percent of the poverty line" for "the poverty line".

SEC. 22012. YOUTHBUILD PROGRAM.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226), including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subsections (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

SEC. 22013. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the Senior Community Service Employment program authorized under title V of the Older Americans Act (42 U.S.C. 3056 et seq.).

SEC. 22014. PROGRAM ADMINISTRATION.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any

money in the Treasury not otherwise appropriated, $720,000,000, to remain available until September 30, 2028, except that no amounts may be expended after September 30, 2031, for program administration within the Department of Labor for salaries and expenses necessary to implement this part, parts 3 and 4, and section 22402 of part 5 of this subtitle, including for management, legal, or other support necessary to implement such parts or section.

PART 2—DEPARTMENT OF EDUCATION

SEC. 22101. ADULT EDUCATION AND LITERACY.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available until September 30, 2028, to carry out title II of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), which shall be reserved, and granted and allotted to eligible agencies in accordance with subsections (a), (b), and (c) of section 211 of such Act, respectively.

(b) REQUIREMENT.—With respect to each eligible agency that receives funds appropriated by this section, for each fiscal year for which such eligible agency receives such funds, section 222(a)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3302(a)(1)) the shall be applied by substituting "not less than 10 percent" for "not more than 20 percent".

SEC. 22102. CAREER AND TECHNICAL EDUCATION.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2028:

(1) $3,000,000,000 for carrying out career and technical education programs authorized under section 124 and section 135 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), which shall be allotted in accordance with section 111 and section 112 of such Act (20 U.S.C. 2321, 2322), except that subsection (b) of section 112 of such Act (20 U.S.C. 2322) shall not apply.

(2) $1,000,000,000 for carrying out the innovation and modernization program described in subsection(e) of section 114 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(e)), except that for purposes of this paragraph—

(A) the 20 percent limitation in paragraph (1) of such subsection, and paragraph (2) of such subsection, shall not apply; and

(B) eligible agencies (as defined in section 3 of such Act) shall be eligible to receive grants under section 114(e) of such Act.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for career and technical education programs, including the funds provided

under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

PART 3—COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM

SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor, $300,000,000 for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, for the Secretary of Labor (referred to in this section as the "Secretary") to award grants to States in accordance with this section to assist employers in such States who were issued special certificates under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) in transforming (or continuing to transform) their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment and to cover any administrative costs associated with such grants.

(b) RESERVATIONS AND ALLOTMENTS; DURATION OF AWARDS.—

(1) RESERVATIONS.—

(A) ALLOTMENTS TO NON-COVERED STATES.—

(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amount appropriated by subsection (a) to award grants, in accordance to clause (ii), to States described in subsection (c)(3) that submit an application under subsection (c) meeting the applicable requirements of such subsection.

(ii) ALLOTMENT AMOUNT.—The Secretary shall allot grants to each State under clause (i) a grant in an amount that bears the same relationship to the total amount reserved under clause (i) as the population of the State bears to the total population of all States described in such clause.

(B) NATIONAL TECHNICAL ASSISTANCE CENTER.—The Secretary shall use 2 percent of the amounts appropriated in subsection (a) to establish, either directly or through grants, contracts, or cooperative agreements, a national technical assistance center to provide technical assistance to employers who are transforming from employing people with disabilities using special certificates to providing competitive integrated employment and to collect and disseminate evidence-based practices with respect to the transformations and in providing competitive integrated employment and integrated services.

(2) ALLOTMENTS TO COVERED STATES.—

(A) 15 OR MORE COVERED STATES.—

(i) IN GENERAL.—In the case that, as of a date determined appropriate by the Secretary, there are 15 or more covered States the Secretary shall allot to each

covered State a grant in an amount equal to the sum of the allotted to such State under clauses (ii) and (iii).

(ii) ALLOTMENT BASED ON NUMBER OF EMPLOYEES UNDER SPECIAL CERTIFICATES.—From the total amount that is 70 percent of the funds appropriated under subsection (a) and not reserved under paragraph (1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of people with disabilities who are employed under a special certificate in the covered State bears to the total number of people with disabilities who are employed under a special certificate in all covered States.

(iii) ALLOTMENT BASED ON EMPLOYERS WITH SPECIAL CERTIFICATES.—From the total amount that is 30 percent of the funds appropriated under subsection (a) and not reserved under paragraph (1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of employers in the covered State who have in effect a special certificate bears to the total number of employers in all covered States who have in effect such a certificate.

(B) 14 OR FEWER COVERED STATES.—In the case that, as of the date determined appropriate by the Secretary under subparagraph (A), there are fewer than 15 covered States, the Secretary shall award grants to each covered State on a competitive basis in an amount that the Secretary determines necessary to accomplish the purpose of the grant described in subsection (a).

(C) COVERED STATE.—In this subsection, the term "covered State" means a State that—

(i) is not described in subsection (c)(3); and

(ii) submits an application under subsection (c) that meets the applicable requirements under such subsection.

(3) DURATION OF AWARDS.—A grant under this section shall be awarded for a period of 5 years.

(4) CUTOFF.—The Secretary may not issue a grant under this subsection after September 30, 2025.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—In the case of a State not described in paragraph (3), an application submitted under paragraph (1) shall include—

(A) a description of the status of the employers in the State providing employment using special certificates, which may include—

(i) the number of employers in the State using special certificates to employ and pay people with disabilities;

(ii) the number of employees in the State employed under a special certificate;

(iii) the average number of hours such employees work per week; and

(iv) the average hourly wage for such employees;

(B) a description of activities to be funded under the grant, and the goals of such activities, including the activities of the State with respect to competitive integrated employment for people with disabilities; and

(C) assurances that—

(i) the activities carried out under the grant will, by not later than the end of the 5-year grant period, result in—

(I) each employer in the State voluntarily ceasing to use special certificates by the end of the 5-year grant period and no longer applying for or renewing such certificates; or

(II) in the case of an employer in the State that, as of the date of enactment of this Act, provides employment using special certificates, the employer—

(aa) transforms its business and program models as described in subsection (d)(1)(A); or

(bb) ceases providing specialized employment services for people with disabilities; and

(ii) each individual in the State who is employed under a special certificate on or after the date of enactment will be employed in competitive integrated employment or a combination of competitive integrated employment and integrated services, including by compensating all employees of the employer for all hours worked at a rate that is—

(I) not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law, or the applicable prevailing wage rate under the McNamara-O'Hara Service Contract Act (41 U.S.C. 6701 et seq.); and

(II) not less than the rate paid by the employer for the same or similar work performed by other employees who are not people with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

(iii) the State will establish an advisory council described in subsection (e) to monitor and guide the process of transforming business and program models of employers in the State as described in subsection (d)(1)(A).

(3) APPLICATIONS FOR STATES RECEIVING AMOUNT FROM RESERVATION.—In the case of a State that, as of the date of enactment of this Act, is determined by the Secretary to have phased out or to be in the process of phasing out the use of

special certificates in the State, an application under this subsection from such State shall include only the information described in paragraph (2)(B).

(d) USE OF FUNDS.—

(1) IN GENERAL.—In the case of a State not described in paragraph (2), such State shall use the grant funds for each of the following activities:

(A) Identifying each employer in the State that will transform its business and program models from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings, or a setting involving a combination of competitive integrated employment and integrated services.

(B) Implementing a service delivery infrastructure to support people with disabilities who have been employed under special certificates through such a transformation, including providing enhanced integrated services to support people with the most significant disabilities.

(C) Expanding competitive integrated employment and integrated services to be provided to such people as a result of transformations described in subparagraph (A).

(2) STATES RECEIVING AMOUNT FROM RESERVATION.—A State that, as of the date of enactment of this Act, is determined by the Secretary to have phased out or to be in the process of phasing out the use of special certificates in the State, shall use the grant funds for expansion of competitive integrated employment and integrated services to be provided to people with disabilities.

(e) MEMBERS OF THE ADVISORY COUNCIL.—A State receiving a grant under this section shall, for the purpose described in subsection (c)(2)(C)(iii), establish an advisory council composed of the following:

(1) People with disabilities, including people with intellectual or developmental disabilities and people with mental health disabilities, who are or were employed under a special certificate, who shall comprise not less than 25 percent of the members of such advisory council.

(2) Family members of a person with an intellectual, developmental, or mental health disability who is or was employed under a special certificate or is employed in competitive integrated employment.

(3) An employer providing competitive integrated employment.

(4) An employer providing employment under special certificates.

(5) Representatives of relevant State agencies with expertise in competitive integrated employment, disability organizations with such expertise, and disability related offices and groups with such expertise.

SEC. 22202. DEFINITIONS.

In this part:

(1) COMPETITIVE INTEGRATED EMPLOYMENT.—The term "competitive integrated employment" has the meaning given such

term in section 7(5) of the Rehabilitation Act of 1973 (29 U.S.C. 705(5)).

(2) EMPLOYEE; EMPLOYER.—The terms "employee" and "employer" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(3) INTEGRATED COMMUNITY PARTICIPATION AND WRAPAROUND SERVICES; INTEGRATED SERVICES.—The terms "integrated community participation and wraparound services" or "integrated services" mean services for people with disabilities that are—

(A) designed to assist such people in developing skills and abilities to reside successfully in home and community-based settings;

(B) provided in accordance with a person-centered written plan of care;

(C) created using evidence-based practices that lead to such people—

(i) maintaining competitive integrated employment;

(ii) achieving independent living; or

(iii) maximizing socioeconomic self-sufficiency, optimal independence, and full participation in the community;

(D) provided in a community location that is not specifically intended for people with disabilities;

(E) provided in a location that—

(i) allows the people receiving the services to interact with people without disabilities to the fullest extent possible; and

(ii) makes it possible for the people receiving the services to access community resources that are not specifically intended for people with disabilities and to have the same opportunity to participate in the community as people who do not have a disability; and

(F) provided in multiple locations to allow the individual receiving the services to have options, thereby—

(i) optimizing individual initiative, autonomy, and independence; and

(ii) facilitating choice regarding services and supports, and choice regarding the provider of such services.

(4) PEOPLE WITH DISABILITIES.—The term "people with disabilities" includes individuals described in section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)).

(5) STATE.—The term "State" has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)).

PART 4—RECRUITMENT, EDUCATION AND TRAINING, RETENTION, AND CAREER ADVANCEMENTS FOR THE DIRECT CARE WORKFORCE

SEC. 22301. DEFINITIONS.

In this part:

(1) CTE DEFINITIONS.—The terms "evidence-based" and "work-based learning" have the meanings given such terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) WIOA DEFINITIONS.—The terms "career pathway", "career planning", "individual with a barrier to employment", "local board", "older individual", "on-the-job training", "recognized postsecondary credential", and "State board" have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) OTHER DEFINITIONS.—

(A) CAREER AND TECHNICAL EDUCATION SCHOOL.—The term "career and technical education school" has the meaning given the term "eligible recipient" in section 3 of the 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(B) DIRECT CARE WORKER.—The term "direct care worker" means—

(i) a direct support professional;

(ii) any worker who provides direct care services in home or community-based setting;

(iii) a respite care provider who provides short-term support and care to an individual in order to provide relief to a family caregiver;

(iv) a palliative care worker;

(v) a direct care worker, as defined in section 799B of the Public Health Service Act (42 U.S.C. 795p); or

(vi) an individual in any other position or job related to those described in clauses (i) through (vi), as determined by the Secretary in consultation with the Secretary of Health and Human Services acting through the Administrator for the Administration for Community Living.

(C) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that is—

(i) a State;

(ii) a labor organization, a joint labor-management organization, or a Multi-Employer Training and Education Fund;

(iii) a nonprofit organization with experience in aging, disability, supporting the rights and interests of direct care workers, or training or educating direct care workers;

(iv) an Indian Tribe or Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(v) an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603));

(vi) a State board or local board;

(vii) an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002));

(viii) when in partnership with an entity described in any of clauses (i) through (vii)—

(I) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) or section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B))); or

(II) a career and technical education school; or

(ix) a consortium of entities listed in any of clauses (i) through (vii).

(D) FAMILY CAREGIVER.—The term "family caregiver" means a paid or unpaid adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(E) HOME AND COMMUNITY-BASED SERVICES.—The term "home and community-based services" has the meaning given such term in section 9817(a)(2) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(F) PERSON WITH A DISABILITY.—The term "person with a disability" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(G) PRE-APPRENTICESHIP PROGRAM.—The term "pre-apprenticeship program" means a program that articulates to a registered apprenticeship program.

(H) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(I) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(J) STATE.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 22302. GRANTS TO SUPPORT THE DIRECT CARE WORKFORCE.

(a) GRANTS AUTHORIZED.—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, $1,480,000,000, to remain available until September 30, 2031, for awarding, on a competitive basis, grants to eligible entities to carry out the activities described in subsection (c) with respect to direct care workers.

(b) APPLICATIONS; AWARD BASIS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary, in coordination with the Secretary of Health and Human Services acting through

the Administrator of the Administration for Community Living, may require.

(B) CONTENTS.—Each application under subparagraph (A) shall include—

(i) a description of the type or types of direct care workers the entity plans to serve through the activities supported by the grant;

(ii) a description of the one or more eligible partnering entities collaborating to carry out the activities described in subsection (c);

(iii) an assurance that—

(I) the eligible entity will establish a consultative process, as described in subsection (c)(2); and

(II) the eligible entity will consult on the implementation of the grant, or coordinate the activities of the grant, with the agencies in the State that are responsible for developmental disability services, aging, education, workforce development, and Medicaid, to the extent that each such entity is not the eligible entity; and

(iv) a plan for ensuring that the eligible entity will remain neutral in any organizing effort involving direct care workers served by the grant who seek to form, join, or assist a labor organization.

(2) CONSIDERATION.—In awarding grants under subsection (a), the Secretary, in coordination with the Secretary of Health and Human services acting through the Administrator of the Administration for Community Living, shall ensure equitable geographic diversity in distribution of the grants, including by selecting recipients in rural areas and selecting recipients in urban areas.

(3) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of 3 years, and may be renewed. The Secretary, in coordination with the Secretary of Health and Human Services acting through the Administrator of the Administration for Community Living, shall award grants (including any renewals) under this section in 3-year cycles subject to the limits set forth in subsection (a).

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) REQUIRED USE OF FUNDS.—Each eligible entity receiving a grant under subsection (a) shall use the grant funds to provide competitive wages, benefits, and other supportive services, including transportation, child care, dependent care, workplace accommodations, and workplace health and safety protections, to the direct care workers served by the grant that are necessary to enable such workers to participate in the activities supported by the grant.

(B) ADDITIONAL ACTIVITIES.—In addition to the requirement described in subparagraph (A), each eligible entity receiving a grant under subsection (a) shall use the grant funds for one or more of the following activities:

(i) Developing and implementing a strategy for the recruitment of direct care workers.

(ii) Developing and implementing a strategy for the retention of direct care workers using evidence-based best practices, such as providing mentoring to such workers.

(iii) Developing or implementing an education and training program for the direct care workers served by the grant, which shall include—

(I) education and training on—

(aa) the rights of direct care workers under applicable Federal, State, or local employment law on—

(AA) wages and hours, including under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);

(BB) safe working conditions, including under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(CC) forming, joining, or assisting a labor organization, including under the National Labor Relations Act (29 U.S.C. 153 et seq.); and

(DD) other applicable terms and conditions of employment; and

(bb) relevant Federal and State laws (including regulations) on the provision of home and community-based services; and

(II) providing a progressively increasing, clearly defined schedule of hourly wages to be paid to each direct care worker served by the grant for each hour the worker spends on education or training provided through the program described in this clause, with a schedule of hourly wages that—

(aa) is consistent with measurable skill gains or attainment of a recognized postsecondary credential received as a result of participation in or completion of such education or training program; and

(bb) ensures that each such worker is compensated for each hour the worker spends on education or training through such program at an entry rate that is not less than the greater of the applicable minimum wage required by other applicable Federal, State, or local law, or a collective bargaining agreement;

(III) developing and implementing a strategy for the retention and career advancement of the direct care workers served by the grant, including providing career planning for the direct care workers served by the grant to support the identifica-

tion of advancement opportunities, and career pathways in the direct care or home care sectors; and

(IV) using evidence-based models and standards for achievement for the attainment of any associated recognized postsecondary credentials, which include—

(aa) supporting opportunities to participate in pre-apprenticeship or registered apprenticeship programs, work-based learning, or on-the-job training;

(bb) providing on-the-job supervision or mentoring to support the development of related skills and competencies throughout completion of such credentials; and

(cc) training on the in-demand skills and competencies of direct care workers served by the grant, including the provision of culturally competent and disability competent supports and services.

(2) CONSULTATION.—Each eligible entity receiving a grant under this section shall consult in the development and implementation of the grant with—

(A) individuals with disabilities;

(B) older individuals;

(C) direct care workers;

(D) family caregivers, guardians, or family members; or

(E) representatives of—

(i) organizations representing the rights and interests of people receiving home and community-based services;

(ii) provider agencies or employers of direct care workers served by the grant;

(iii) labor or joint labor-management organizations, or advocacy organizations, representing direct care workers served by the grant; or

(iv) institutions of higher education or career and technical education schools providing education and training on direct care.

(d) SUPPLEMENT AND NOT SUPPLANT.—An eligible entity receiving a grant under this section shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to the eligible entity to address the recruitment, education and training, retention, or career advancement of direct care workers in the State served by the grant.

PART 5—WORKFORCE DEVELOPMENT PROGRAMS IN SUPPORT OF COMMUNITIES AND THE ENVIRONMENT

SEC. 22401. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) IN GENERAL.—

(1) AMERICORPS STATE AND NATIONAL PROGRAMS.—

(A) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,305,000,000, to remain available until September 30, 2027, for carrying out national service programs authorized under section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(3)(B)) 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 entities to support national service programs authorized under the AmeriCorps State and National program (whether or not the entities are already grant recipients under such provisions on the date of enactment of this Act) and to increase the living allowances of participants in national service programs.

(B) WAIVER OF MATCHING REQUIREMENT.—For the purposes of carrying out this subparagraph, the Corporation shall waive any match requirement in whole or in part where a grantee demonstrates such waiver would increase access and remove barriers for organizations that serve communities that are adversely affected by persistent poverty, discrimination, or inequality.

(2) NATIONAL CIVILIAN COMMUNITY CORPS.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until September 30, 2027, for carrying out the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990 (42 U.S.C. 12612).

(3) VOLUNTEERS IN SERVICE TO AMERICA PROGRAM.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $100,000,000, to remain available until September 30, 2027, for carrying out the Volunteers in Service to America (VISTA) program for the purposes described in section 101 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951), including to increase the living allowances of volunteers, described in section 105(b) of such Act (42 U.S.C. 4955).

(4) STATE COMMISSIONS.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $40,000,000, to remain available until September 30, 2027, to make adjustments to existing (as of the date of enactment of this Act) awards and new and additional awards, including awards to State Commissions on National and Community Service, under section 126(a) of the National and Community Service Act of 1990 (42 U.S.C. 12576(a)).

(5) USE OF FUNDS.—Amounts made available under paragraphs (1) through (4) shall be used by the Corporation for National and Community Service to carry out activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(3)(B)) and for activities related to environmental resiliency, remediation, or mitigation by—

(A) ensuring at least 50 percent of such funds are awarded to entities that serve, and have representation from, low-income communities, Tribal, Alaska Native, or Native Hawaiian communities, or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(B) taking into account the diversity of communities served by such entities and the diversity of AmeriCorps members serving in these projects, including racial, ethnic, socioeconomic, linguistic, or geographic diversity, and utilizing culturally competent and multilingual strategies in the provision of services to communities and in the recruitment of members;

(C) supporting projects that are planned and implemented with the community served by such activities;

(D) providing participants with workforce development opportunities such as pre-apprenticeship programs that articulate to registered apprenticeships, and pathways to post-service employment in high-quality jobs or registered apprenticeships; and

(E) coordinating with and providing resources to the Departments of Labor and Education to improve the readiness of participants to transition to high-quality jobs or further education.

(b) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise made 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, $199,650,000, to remain available until September 30, 2027, which shall be used for administrative expenses as provided under section 501(a)(5) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(5)) and under section 504(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(a)), including an evaluation of the Corporation's information technology security, corrective actions to address recommendations arising from audits of the agency and the National Service Trust, and, in consultation with the Inspector General, the development of grant fraud prevention and detection controls and risk-based anti-fraud grant monitoring. Not less than 5 percent of funds under this paragraph shall be reserved for outreach to and recruitment of members from communities traditionally underrepresented in the programs and activities funded under this section.

(2) PROJECT, OPERATIONS, AND MANAGEMENT PLAN.—In addition to amounts otherwise made 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, $350,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation for National and Community Service in collaboration with the Department of Labor, to develop, issue, and implement a project, operations, and management plan for funds appropriated under this section. In developing the financial management portion of the plan, the Chief Executive Officer shall consult with the Inspector General. Such plan shall be provided to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a).

(c) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Office of Inspector General of the Corporation for National and Community Service, $15,000,000 to remain available until September 30, 2030, which shall be used by the Office of Inspector General of the Corporation for National and Community Service for salaries and expenses necessary for oversight and audit of programs, activities and operations funded under this section.

(d) NATIONAL SERVICE TRUST.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $260,000,000, to remain available until expended, for—

(1) administration of the National Service Trust; and

(2) payment to the Trust for the provision of educational awards pursuant to section 145(a)(1)(A) and section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12601(a)(1)(A); 12604).

SEC. 22402. DEPARTMENT OF LABOR.

(a) IN GENERAL.—

(1) YOUTHBUILD PROGRAM.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $250,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized under section 171(c)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(c)(1)), including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subsections (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

(2) JOB CORPS PROGRAM.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $500,000,000, to remain available until September 30, 2030, except that no amounts may be expended after September 30, 2031, for the Job Corps program authorized under section 143 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193 et seq.), including Civilian Conservation Centers as described in section 147(d)(1) of such

Act (29 U.S.C. 3197) and for the purposes of improving and expanding access to allowances and supports described in section 150 of such Act (29 U.S.C. 3200).

(3) EX-OFFENDER ACTIVITIES.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $500,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, for ex-offender activities under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)).

(4) APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $1,000,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, to carry out activities through grants, cooperative agreements, contracts or other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, to create or expand only apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), youth apprenticeship programs, and pre-apprenticeship programs articulating to apprenticeship programs registered under such Act.

(5) PAID YOUTH EMPLOYMENT ACTIVITIES.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $249,800,000, to remain available until September 30, 2030, except that no amounts may be expended after September 30, 2031, for paid youth employment activities under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)) for in-school and out-of-school youth as defined in section 3 of such Act (29 U.S.C. 3102).

(b) USE OF FUNDS.—Amounts made available under paragraphs (1) through (8) of subsection (a) shall be used for activities to include training for careers in industry sectors and occupations related to environmental resiliency, remediation, or mitigation and activities to increase diversity within such industry sectors and occupations, taking into account the diversity of communities and participants served by such programs, including racial, ethnic, socioeconomic, linguistic, or geographic diversity.

(c) PROJECT, OPERATIONS, AND MANAGEMENT PLAN.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary of Labor in collaboration with the Chief Executive Officer of the Corporation for National and Community Service, to develop and issue a project, operations, and management plan for funds appropriated under this section. Such plan shall be provided to the Committee on Education and Labor of the House of Representa-

tives and the Committee on Health, Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a).

PART 6—DEPARTMENT OF LABOR INSPECTOR GENERAL FUNDING

SEC. 22501. DEPARTMENT OF LABOR INSPECTOR GENERAL FUNDING.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this subtitle and subtitle B of this title.

Subtitle D—Child Care and Universal Pre-Kindergarten

SEC. 23001. BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT.

(a) SHORT TITLE.—This section may be cited as the "Birth Through Five Child Care and Early Learning Entitlement Act".

(b) DEFINITIONS.—

(1) IN GENERAL.—The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) shall apply to this section, except as provided in subparagraph (2) and as otherwise specified.

(2) ADDITIONAL TERMS.—In this section:

(A) CHILD CARE CERTIFICATE.—

(i) IN GENERAL.—The term "child care certificate" means a certificate (that may be a check or other disbursement) that is issued by a State or local government under this section directly to a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider.

(ii) RULE.—Nothing in this section shall preclude the use of such certificates for sectarian child care services if freely chosen by the parent. For the purposes of this section, child care certificates shall be considered Federal financial assistance to the provider.

(B) CHILD EXPERIENCING HOMELESSNESS.—The term "child experiencing homelessness" means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(C) ELIGIBLE ACTIVITY.—The term "eligible activity", with respect to a parent, shall include, at minimum, activities consisting of—

(i) full-time or part-time employment;

(ii) self-employment;

(iii) job search activities;

(iv) job training;

(v) secondary, postsecondary, or adult education, including education through a program of high school classes, a course of study at an institution of higher education, classes towards an equivalent of a high school diploma recognized by State law, or English as a second language classes;

(vi) health treatment (including mental health and substance use treatment) for a condition that prevents the parent from participating in other eligible activities;

(vii) activities to prevent child abuse and neglect, or family violence prevention or intervention activities;

(viii) employment and training activities under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(ix) employment and training activities under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101)

(x) work activities under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(xi) taking leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) (or equivalent provisions for Federal employees), a State or local paid or unpaid leave law, or a program of employer-provided leave.

(D) ELIGIBLE CHILD.—The term "eligible child" means an individual (without regard to the immigration status of the individual or of any parent of the individual)—

(i) who is less than 6 years of age;

(ii) who is not yet in kindergarten;

(iii) whose family income—

(I) does not exceed 100 percent of the State median income for a family of the same size for fiscal year 2022;

(II) does not exceed 115 percent of such State median income for fiscal year 2023;

(III) does not exceed 130 percent of such State median income for fiscal year 2024; and

(IV) for each of the fiscal years 2025 through 2027, is of any level;

(iv) whose family assets do not exceed $1,000,000 (as certified by a member of such family); and

(v) who—

(I) resides with a parent participating in an eligible activity;

(II) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children experiencing homelessness, children in foster care, chil-

dren in kinship care, and children who are receiving, or need to receive, child protective services; or

(III) resides with a parent who is more than 65 years of age.

(E) ELIGIBLE CHILD CARE PROVIDER.—

(i) IN GENERAL.—The term "eligible child care provider" means a center-based child care provider, a family child care provider, or other provider of child care services for compensation that—

(I) is licensed to provide child care services under State law;

(II) participates in the State's tiered system for measuring the quality of child care providers described in subsection(f)(4)(B)—

(aa) not later than the last day of the third fiscal year for which the State receives funds under this section; and

(bb) for the remainder of the period for which the provider receives funds under this section; and

(III) satisfies the State and local requirements applicable to eligible child care providers under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), including those requirements described in section 658E(c)(2)(I) of such Act (42 U.S.C. 9858c(c)(2)(I)).

(ii) SPECIAL RULE.—A child care provider who has been eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) on the date the State submits an application for funds under this section and remains in good standing with the State, shall be deemed to be an eligible child care provider under this section for 3 years after the State receives funding under this section.

(F) FMAP.—The term "FMAP" has the meaning given the term "Federal medical assistance percentage" in the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(G) FAMILY CHILD CARE PROVIDER.—Family child care provider means one or more individuals who provide child care services less than 24 hours per day per child, in a private residence other than the residences of the children, unless care for 24 hours is provided due to the nature of the parent(s)' work.

(H) INCLUSIVE CARE.—The term "inclusive", with respect to care (including child care), means care provided by an eligible child care provider—

(i) for whom the percentage of children served by the provider who are children with disabilities or infants or toddlers with disabilities reflects the prevalence of children with disabilities and infants and toddlers with disabilities (whichever the provider serves) among children within the State involved; and

(ii) that provides care and full participation for children with disabilities and infants and toddlers with disabilities (whichever the provider serves) alongside children who are—

(I) not children with disabilities; and

(II) not infants and toddlers with disabilities.

(I) INFANT OR TODDLER.—The term "infant or toddler" means an individual who is less than 3 years of age.

(J) INFANT OR TODDLER WITH A DISABILITY.—The term "infant or toddler with a disability" has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(K) LEAD AGENCY.—The term "lead agency" means the agency designated or established under subsection (e).

(L) STATE.—The term "State" means any of the 50 States and the District of Columbia.

(M) TERRITORY.—The term "territory" means the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(N) TRIBAL ORGANIZATION.—The term "Tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(O) URBAN INDIAN ORGANIZATION.—The term "Urban Indian organization" has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(c) APPROPRIATIONS.—

(1) IN GENERAL.—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, for carrying out this section—

(A) $20,000,000,000 for fiscal year 2022, to remain available until September 30, 2025,

(B) $30,000,000,000 for fiscal year 2023, to remain available until September 30, 2026

(C) $40,000,000,000 for fiscal year 2024, to remain available until September 30, 2027;

(D) such sums as may be necessary for each of fiscal years 2025 through 2027, to remain available for one fiscal year.

(2) ADMINISTRATION.—

(A) FISCAL YEARS 2022 THROUGH 2024.—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, $130,000,000 for each of fiscal years 2022, 2023, and 2024, to carry out subsection (k). Amounts appropriated by the preceding sentence shall be available for one fiscal year.

(B) FISCAL YEARS 2025 THROUGH 2027.—From the amounts appropriated under subsection (a), the Secretary shall reserve, to carry out subsection (k), up to 1 percent of such amounts for each of fiscal years 2025, 2026, and

2027, which shall be in addition to amounts otherwise available for this purpose. Amounts appropriated by the preceding sentence shall be available for one fiscal year.

(d) ESTABLISHMENT OF BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary is authorized to administer a child care and early learning entitlement program under which families, in States, territories, and Indian Tribes with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services for eligible children, subject to the requirements of this section.

(2) ASSISTANCE FOR EVERY ELIGIBLE CHILD.—Beginning on October 1, 2024, every family who applies for assistance under this section with respect to a child in a State with an approved application under subsection (g), or in a territory or Indian tribe with an approved application under subsection (f), and who is determined, by a lead agency (or other entity designated by a lead agency) following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered child care assistance in accordance with and subject to the requirements and limitations of this section.

(e) LEAD AGENCY.—The Governor of a State or the head of a territory or Indian tribe, desiring to receive assistance under this section shall designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office—

(1) to serve as the lead agency for the State, territory, or Indian tribe under this section; and

(2) to administer, directly or through other governmental or nongovernmental agencies of the State, territory or Indian tribe the financial assistance received under this section by the State, territory, or Indian tribe, including by certifying the eligibility of children.

(f) APPLICATIONS AND STATE PLANS.—

(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary for approval an application at such time, in such manner, and containing a State plan that—

(A) for a transitional State plan, meets the requirements under subsection (c) and contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this section; and

(B) for a full State plan, meets the requirements under subsection (d) and contains that information.

(2) PERIOD COVERED BY PLAN.—A State plan contained in the application shall be designed to be implemented—

(A) for a transitional State plan, during a 1-year period; and

(B) for a full State plan, during a 3-year period.

(3) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.—For a period of 1 year following the date of enactment of this Act, the Secretary shall award funds under this section to States with an approved application that contains a transitional State

plan, submitted under paragraph (1)(A) that includes, at a minimum—

(A) an assurance that the State will submit a State plan under paragraph (4); and

(B) a description of how the funds received by the State under this section will be spent to expand access to child care assistance and increase the supply and quality of child care providers within the State, in alignment with the requirements of this section.

(4) REQUIREMENTS FOR FULL STATE PLANS.—The Secretary may award funds under this section to States with an approved application that contains a subsequent State plan, submitted under subsection (a)(2), that includes, at a minimum, the following:

(A) PAYMENT RATES AND COST ESTIMATION.—

(i) PAYMENT RATES.—The State plan shall certify that payment rates for the provision of child care services for which assistance is provided in accordance with this section for the period covered by the plan, within 3 years after the State receives funds under this section—

(I) will be sufficient to meet the cost of child care, and set in accordance with a cost estimation model or cost study described in clause (ii) that is approved by the Secretary; and

(II) will correspond to differences in quality (including improved quality) based on the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B).

(ii) COST ESTIMATION.—Such State plan shall—

(I) demonstrate that the State has, after consulting with relevant entities and stakeholders, developed and uses a statistically valid and reliable cost estimation model or cost study for the payment rates of child care services in the State that reflect rates for providers at each of the tiers of the State's tiered system for measuring the quality of child care providers described in subparagraph (B), and variations in the cost of child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive child care services; and

(II) certify that the State's payment rates for child care services for which assistance is provided in accordance with this section—

(aa) are set in accordance with the most recent estimates from the most recent cost estimation model or cost study under subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a pay-

ment that is sufficient to meet the requirements of such tier;

(bb) are set so as to provide payments to providers not at the top tier of the tiered system that are sufficient to enable the providers to increase quality to meet the requirements for the next tier;

(cc) ensure adequate wages for staff of child care providers providing such child care services that—

(AA) at a minimum, provide a living wage for all staff of such child care providers; and

(BB) are equivalent to wages for elementary educators with similar credentials and experience in the State; and

(dd) are adjusted on an annual basis for cost of living increases to ensure those payment rates remain sufficient to meet the requirements of this section.

(iii) PAYMENT PRACTICES.—Such State plan shall include an assurance that the State will implement payment practices that support the fixed costs of providing child care services.

(B) TIERED SYSTEM FOR MEASURING THE QUALITY OF CHILD CARE PROVIDERS.—Such State plan shall certify that the State has implemented, or assure that the State will implement within 3 years after receiving funds under this section, a tiered system for measuring the quality of eligible child care providers who provide child care services for which assistance is made available under this section. Such tiered system shall—

(i) include a set of standards, for determining the tier of quality of a child care provider, that—

(I) uses standards for a highest tier that at a minimum are equivalent to Head Start program performance standards described in section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)) or other equivalent evidence-based standards approved by the Secretary; and

(II) includes quality indicators and thresholds that are appropriate for child development in different types of child care provider settings, including child care centers and the settings of family child care providers, and are appropriate for providers serving different age groups (including mixed age groups) of children;

(ii) include a different set of standards that includes indicators, when appropriate, for care during nontraditional hours of operation; and

(iii) provide for sufficient resources and supports for child care providers at tiers lower than the highest tier to facilitate progression toward higher quality standards.

(C) ACHIEVING HIGH QUALITY FOR ALL CHILDREN.—Such State plan shall certify the State has implemented, or will implement within 3 years of receiving funds under this section, policies and financing practices that will ensure all families of eligible children can choose for the children to attend child care at the highest quality tier within 6 years after the date of enactment of this Act.

(D) COMPENSATION.—Such plan shall provide a certification that the State has or will have within 3 years after receiving funds under this section, a wage ladder for staff of eligible child care providers receiving assistance under this section, including a certification that wages for such staff, at a minimum, will meet the requirements of subparagraph (A)(ii)(II)(cc).

(E) SLIDING FEE SCALE FOR COPAYMENTS.—

(i) IN GENERAL.—Except as provided in clauses (ii)(I) and (iii), the State plan shall provide an assurance that the State will for the period covered by the plan use a sliding fee scale described in clause (ii) to determine a copayment for a family receiving assistance under this section (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment).

(ii) SLIDING FEE SCALE.—A full copayment described in clause (i) shall use a sliding fee scale that provides that, for a family with a family income—

(I) of not more than 75 percent of State median income for a family of the same size, the family shall not pay a copayment, toward the cost of the child care involved for all eligible children in the family;

(II) of more than 75 percent but not more than 100 percent of State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children;

(III) of more than 100 percent but not more than 125 percent of State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children;

(IV) of more than 125 percent but not more than 150 percent of State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 percent of that family income, toward such cost for all such children; and

(V) of more than 150 percent of the State median income for a family of the same size, the copayment shall be 7 percent of that family income, toward such cost for all such children.

(iii) SPECIAL RULES.—The State shall not require a copayment under this subparagraph for any eligible child of a family with a child that is eligible for a

Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or a child who has been identified as a member of a population listed in subsection (b)(2)(D)(v)((II). A State or another entity may pay a copayment (full or reduced) under this subparagraph on behalf of a family, but may not receive Federal reimbursement under this section for such payment.

(F) PROHIBITION ON CHARGING MORE THAN COPAYMENT.—The State plan shall certify that the State shall not permit a child care provider receiving financial assistance under this section to charge, for child care for an eligible child, more than the total of—

(i) the financial assistance provided for the child under this section; and

(ii) any applicable copayment pursuant to subparagraph (E).

(G) ELIGIBILITY.—The State plan shall assure that each child who receives assistance under this section will be considered to meet all eligibility requirements for such assistance, and will receive such assistance, for not less than 24 months, and the child's eligibility determination and redetermination, including any determination based on the State's definition of eligible activities, shall be implemented in such a manner that supports child well-being and reduces barriers to enrollment, including continuity of services.

(H) POLICIES TO SUPPORT ACCESS TO CHILD CARE FOR UNDERSERVED POPULATIONS.—The State plan shall assure that the State will prioritize increasing access to, and the quality and the supply of, child care in the State for underserved populations, including at a minimum, low-income children, children in underserved areas, infants and toddlers, children with disabilities and infants and toddlers with disabilities, children who are dual language learners, and children who receive care during nontraditional hours.

(I) POLICIES.—The State plan shall include a certification that the State will apply, under this section, the policies and procedures described in subparagraphs (A), (B), (I), (J), (K)(i), (R), and (U) of section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)), and the policies and procedures described in section 658H of such Act, to child care services provided under this section.

(J) LICENSING.—The State plan shall include an assurance that the State has or will develop within 3 years after receiving funds under this section, licensing standards for child care providers and a pathway to such licensure that is available to and appropriate for child care providers in a variety of settings, to ensure providers eligible under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), have a pathway to become eligible providers under this section.

(K) REPORTS.—The State plan shall include an agreement to provide to the Secretary such periodic reports, pro-

viding a detailed accounting of the uses of such funds received under this section, as the Secretary may require for the administration of this section.

(g) PAYMENTS.—

(1) TRANSITION PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—

(A) RESERVATIONS AND ALLOTMENTS.—

(i) IN GENERAL.—For each of fiscal years 2022 through 2024, the Secretary shall, from the amount appropriated under subsection (c)(1)(A) for each such fiscal year—

(I) reserve not less than 4 percent for Indian Tribes, Tribal organizations, and Urban Indian organizations for child care assistance;

(II) reserve not less than 0.5 of 1 percent for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands for child care assistance; and

(III) from the amount so appropriated and not reserved under subclauses (I) and (II), make allotments to each State in the same manner as the Secretary makes such allotments using the formula under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(b)).

(IV) $9,600,000,000 for each of the fiscal years 2022 through 2027 to carry out the program of grants to localities in subsection (i).

(ii) DEFINITION.—For purposes of this paragraph, the term "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) PAYMENTS.—

(i) INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount reserved for Indian Tribes, Tribal organizations, and Urban Indian organizations under subparagraph (A)(i)(I), the Secretary shall make payments to Indian Tribes, Tribal organizations, and Urban Indian organizations, and the Tribes, Tribal organizations, and Indian organizations shall be entitled to such payments, for carrying out programs or activities consistent with the objectives of this section.

(II) APPLICATIONS.—An Indian Tribe, Tribal organization, or Urban Indian organization seeking a payment under clause (ii)(II) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, including the agreement described in subsection (f)(4)(K).

(ii) TERRITORIES.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from the amount reserved for territories under subsection (A)(i)(II), the Secretary shall make payments to the territories specified in that paragraph, and the territories shall be entitled to such payments, for carrying out programs or activities consistent with the objectives of this section.

(II) APPLICATIONS.—A territory specified in clause (i)(II) seeking a payment under this clause shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, including the agreement described in subsection (f)(4)(K).

(iii) STATES.—For each of fiscal years 2022 through 2024, each State that has an application approved under subsection (f) shall be entitled to a payment under this clause in the amount equal to its allotment under subparagraph (A) for such fiscal year.

(C) AUTHORITIES.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority to reallot funds that were allotted under subparagraph (A) from any State without an approved application under subsection (f) by the date required by the Secretary, to States with approved applications under that subsection, to Tribes with an approved application under subparagraph (A)(ii), and to territories with an approved application under .

(2) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—For each of fiscal years 2025 through 2027:

(i) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(I) IN GENERAL.—The Secretary shall pay to each State with an approved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 90 percent of expenditures in the quarter for child care assistance for eligible children described under subsection (h)(2)(B). The Secretary shall pay to each State with an approved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 90 percent of expenditures in the quarter for the components of the child care entitlement program described under subsection (h)(2)(B).

(II) EXCEPTION.—Funds reserved from the amount under subsection (h)(2)(C) shall be subject to clause (ii).

(ii) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount for each

quarter equal to the FMAP of expenditures in the quarter to carry out the quality and supply building activities under subsection (h)(2)(C) subject to the limit specified in clause (i) of such subsection.

(iii) ADMINISTRATION.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount for each quarter equal to 50 percent of expenditures in the quarter for the costs of administration incurred by the State—

(I) which shall include reasonable costs incurred by the State in carrying out the child care program established in this section; and

(II) which may include, at the option of the State, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act (42 U.S.C. 9858f).

(B) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—For each of fiscal years 2025 through 2027, the Secretary may make payments under this subsection for each quarter 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 payments as necessary to adjust for any overpayment or underpayment for previous quarters.

(C) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in a quarter expenditures that were incurred in a previous quarter and not claimed in such previous quarter.

(D) TERRITORIES AND TRIBES.—For each of fiscal years 2025 through 2027, the Secretary shall make payments to territories, and Indian tribes, tribal organizations, and Urban Indian organizations, with applications submitted as described in subsection (a), and approved by the Secretary. The territories, Indian tribes, tribal organizations, and Urban Indian organizations shall be entitled to such payments to carry out the activities described in subsection (h)(2).

(h) USE OF FUNDS.—

(1) USE OF FUNDS FOR TRANSITION YEARS.—For each of fiscal years 2022 through 2024, a State that receives a payment under subsection (g)(1) shall reserve and use—

(A) 50 percent of such payment for activities to—

(i) expand access to child care assistance for eligible children (with priority for providing access for children in families with incomes less than 85 percent of the State median income); and

(ii) increase child care provider payment rates to support the cost of providing high-quality child care services, including rates sufficient to support increased wages for staff of eligible child care providers;

(B) 25 percent of such payment for activities described in subsection (b)(3); and

(C) 25 percent for activities under subparagraph (A) or activities under subparagraph (B), as determined by the State.

(2) USE OF FUNDS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—Starting on October 1, 2024, a State shall use amounts provided to the State under subsection (g)(2) for child care services (provided on a sliding fee scale basis), activities to improve the quality and supply of child care services, and State administration.

(B) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(i) IN GENERAL.—The State shall ensure that parents of eligible children can access child care services provided by an eligible child care provider through a grant or contract under clause (ii) or a certificate under clause (iii).

(ii) GRANTS AND CONTRACTS.—The State shall award grants or contracts to eligible child care providers, consistent with the requirements under this section, for the provision of child care services for eligible children that, at minimum, support providers' operating expenses to meet and sustain health, safety, quality, and wage standards required under this section.

(iii) CERTIFICATES.—The State shall issue a child care certificate directly to a child care provider on behalf of a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider, consistent with the requirements under this section.

(C) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—

(i) QUALITY CHILD CARE ACTIVITIES.—

(I) AMOUNT.—For each of fiscal years 2025 through 2027, from the total of the annual payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and not more than 10 percent of the amount made available to the State through such payments for that particular fiscal year (and shall reserve and use a proportional amount from each quarterly payment made to the State for that particular fiscal year).

(II) USE OF QUALITY CHILD CARE AMOUNT.—Each State shall use the quality child care amount described in subclause (I) to implement activities described in subparagraphs (B) and (C) that increase the quality and supply of eligible child care providers, and the number of available slots in the State for child care services funded under this section, prioritizing assistance for child care providers who are in underserved communities and

who are providing, or are seeking to provide, child care services for underserved populations identified in subsection (f)(4)(H).

(III) ADMINISTRATION.—Assistance provided under this subparagraph may be administered—

(aa) directly by the lead agency; or

(bb) through other State government agencies, local or regional child care resource and referral organizations, community development financial institutions, other intermediaries with experience supporting child care providers, or other appropriate entities that enter into a contract with the State to provide such assistance.

(ii) ACTIVITIES.—Activities funded under the quality child care amount described in clause (i) shall include each of the following:

(I) STARTUP GRANTS AND SUPPLY EXPANSION GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall make startup and supply expansion grants to support child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, with priority for providers providing or seeking to provide child care in underserved communities and for underserved populations identified in subsection (f)(4)(H), to—

(AA) support startup and expansion costs; and

(BB) assist such providers in meeting health and safety requirements and achieving licensure.

(bb) REQUIREMENT.—As a condition of receiving a startup or supply expansion grant under this subclause, a child care provider shall commit to meeting the requirements of an eligible provider under this section, and providing child care services to children receiving assistance under this section on an ongoing basis.

(II) QUALITY GRANTS.—From a portion of the quality child care amount, a State shall provide quality grants to eligible child care providers providing child care services to children receiving assistance under this section to improve the quality of such providers, including—

(aa) supporting such providers in meeting or making progress toward the requirements for the highest tier of the State's tiered system for measuring the quality of child care providers under subsection (f)(4)(B); and

(bb) supporting such providers in sustaining child care quality.

(III) FACILITIES GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall provide support, including through awarding facilities grants, for remodeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(bb) ADDITIONAL USES.—For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may provide such facilities grants for construction, permanent improvement, or major renovation of a building or facility primarily used for providing child care services, in accordance with the following:

(AA) Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes under this subclause.

(BB) Eligible child care providers may not use funds for buildings or facilities that are used primarily for sectarian instruction or religious worship.

(CC) The Secretary shall develop parameters on the use of funds under this subclause for family child care homes.

(DD) The Secretary shall not retain Federal interest after a period of 10 years in any facility built, renovated, or repaired with funds awarded under this subclause.

(IV) ADDITIONAL ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.—A State shall use a portion of the quality child care amount to improve the quality of child care services, which shall include—

(aa) supporting the training and professional development of the early childhood workforce, including supporting degree attainment and credentialing for early childhood educators;

(bb) developing, implementing, or enhancing the State's tiered system for measuring the quality of child care providers under subsection (f)(4)(B);

(cc) improving the supply and quality of developmentally appropriate child care programs and services for underserved populations described in subsection (f)(4)(H);

(dd) improving access to child care services for children experiencing homelessness and children in foster care; and

(ee) other activities to improve the supply and quality of child care services, including activities described in paragraphs (1) through (10) of section 658G(b) of the Child Care and Development Block Grant Act of 1990 42 U.S.C. 9858e).

(V) TECHNICAL ASSISTANCE.—From a portion of the quality child care amount, the State shall provide technical assistance to increase the supply and quality of eligible child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, including providing support to enable providers to achieve licensure.

(i) GRANTS TO LOCALITIES.—

(1) DEFINITION OF ELIGIBLE LOCALITY.——In this subsection the term "eligible locality" means a city, county, or other unit of general local government, or a Head Start grantee.

(2)(A) IN GENERAL.—The Secretary shall use funds reserved in subsection (g)(1)(A)(i)(IV)) to award local Birth through Five Child Care and Early Learning Grants to eligible localities located in States that have made it apparent that they will not apply for payments under subsection (f). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to provide access to child care to children in families with income that does not exceed 200 percent of the Federal poverty level, which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section.

(B) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this subsection (f).

(C) PRIORITY FOR LOCALITIES SERVING UNDERSERVED POPULATIONS.—In awarding a grant under this paragraph, the Secretary, shall give priority to eligible localities seeking to serve underserved populations.

(j) PROGRAM REQUIREMENTS.—

(1) NONDISCRIMINATION.—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 (20 U.S.C. 1681 et seq.).

(B) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(C) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(E) Section 654 of the Head Start Act (42 U.S.C. 9849).

(2) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this section, a State shall that receives payments under this section for a fiscal year, in using the funds made available through the payments, shall maintain child care assistance for families at levels not less than the levels provided by the State in fiscal year 2021. The Secretary shall determine the State expenditures allowable under this requirement.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the plan described in subsection (f)(4) of the State.

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State 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.

(l) ADMINISTRATION.—Using funds reserved under subsection (b)(2), the Secretary shall provide technical assistance to States, territories and Indian Tribes and carry out research, evaluations, and administration related to this section.

(m) TRANSITION PROVISIONS.—

(1) TREATMENT OF CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS.—For each of fiscal years 2025, 2026, and 2027, a State receiving assistance under this section shall not use more than 10 percent of any funds received under the Child Care and Development Block Grant Act of 1990 to provide child care assistance to children under the age of 6, who are eligible under that Act.

(2) SPECIAL RULES REGARDING ELIGIBILITY.—Any child who is less than 6 years of age, is not yet in kindergarten, and is receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) on the date funding is first allocated to the lead agency under this section—

(A) shall be deemed immediately eligible to receive assistance under this section; and

(B) may continue to use the child care provider of the family's choice.

(3) TRANSITION PROCEDURES.—The Secretary is authorized to institute procedures for implementing this section, including issuing guidance for States receiving funds under subsection (g).

SEC. 23002. UNIVERSAL PRESCHOOL.

(a) DEFINITIONS.—In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.—The term "child experiencing homelessness" means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term "comprehensive services" means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the means of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term "dual language learner" means an individual who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832).

(5) ELIGIBLE CHILD.—The term "eligible child" means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term "eligible provider" means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) a licensed center-based child care provider, licensed family child care provider, or community– or neighborhood–based network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(9) POVERTY GUIDELINES.—The term "poverty guidelines" means the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) STATE.—The term "State" means each of the several States and the District of Columbia.

(12) TERRITORY.—The term "territory" means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(13) 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. 9858n).

(14) URBAN INDIAN ORGANIZATION.—The term "Urban Indian organization" has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1602).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section and provide the Federal share of the cost of universal, high-quality, free, inclusive, and mixed delivery preschool services, on a voluntary basis, to children throughout the States under this section, including providing the Federal share of the cost of State activities described in subsection (c)(4).

(2) SECRETARIAL RESERVATIONS.—The Secretary, in collaboration with the Secretary of Education, shall reserve, from the amount appropriated under this subsection—

(A) not less than 4 percent for payments to Indian Tribes, Tribal organizations, and Urban Indian organizations for activities described in this section;

(B) not more than ½ of 1 percent for the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary of Health and Human Services in accordance with the objectives of this section, for activities described in this section;

(C) ½ of 1 percent for eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D) for Federal activities, including administration, monitoring, technical assistance, and research—

(i) $165,000,000 for fiscal year 2022 and $200,000,000 for fiscal year 2023; and

(ii) for each of fiscal years 2025 through 2028, not more than 2 percent;

(E) $2,500,000,000 for each of fiscal years 2022 through 2027 to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a)(1) of such Act (43 U.S.C. 9848(a)(1); and

(F) $1,250,000,000 annually for each of fiscal years 2023 through 2028 to carry out the program of grants to localities described in subsection (e).

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.—A State that has submitted, and had approved by the Secretary, a State plan for universal preschool services is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) PRESCHOOL SERVICES.—The Secretary shall pay to each State with an approved State plan under paragraph (6), an amount for each year equal to—

(i) 100 percent of the State's expenditures in the year for preschool services described in subsection (d), for each of fiscal years 2022, 2023, and 2024;

(ii) 90 percent of the State's expenditures in the year for such preschool services, for fiscal year 2025;

(iii) 80 percent of the State's expenditures in the year for such preschool services, for fiscal year 2026;

(iv) 70 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027; and

(v) 60 percent of the State's expenditures in the year for such preschool services, for fiscal year 2028.

(B) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State plan under paragraph (6) an amount for a fiscal year equal to 50 percent of the amount of the State's expenditures for the activities described in paragraph (4), except that in no case shall a payment for a fiscal year under this subparagraph exceed the amount equal to 10 percent of the State's expenditures described in subparagraph (A) for such fiscal year.

(C) NON-FEDERAL SHARE.—The remainder of the cost paid by the State for preschool services, that is not provided under subparagraph (A), 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 subparagraph (B), shall be considered the non-Federal share of the cost of those activities.

(3) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—The Secretary may make a payment under subparagraph (A) or (B) of paragraph (2) 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 may reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(4) STATE ACTIVITIES.—A State that receives a payment under paragraph (2)(B) shall carry out all of the following activities:

(A) State administration of the State's preschool services program described in this section.

(B) Supporting a continuous quality improvement system through the use of data, researching, monitoring, training, technical assistance, professional development, and coaching to support providers participating or seeking to participate in the State's preschool services program and to support such providers in meeting the requirements of this section.

(C) Providing outreach and enrollment support for families of eligible children, including specific outreach to families of underserved populations.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities, including, as applicable, activities that redesign or restructure existing preschool programs, as of the date of the activity, to improve inclusive services for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating the State's statewide needs assessment used for purposes of paragraph (6)(B)(ii).

(5) LEAD AGENCY.—The Governor of a State desiring to receive a payment under this subsection shall designate a State lead agency (such as a State agency or joint interagency office) for the administration of the universal preschool services program under this section.

(6) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan for universal, high-quality, free, inclusive, and mixed delivery preschool services to the Secretary for approval at such time, in such manner, and containing such information as the Secretary, in collaboration with the Secretary of Education, may require. Such plan shall include each of the following:

(A) A certification that the State has in place developmentally appropriate, evidence-based preschool standards that, at a minimum are as rigorous as the standards specified in subparagraph (B) of section 641A(a)(1) of the Head Start Act (42 U.S.C. 9836a(a)(1)) and include program standards for class sizes and ratios.

(B) A certification that the State will prioritize the establishment and expansion of universal, high-quality, free, inclusive, and mixed delivery preschool services in high-need communities, as identified by the State, including—

(i) a description of which high-need communities the State will prioritize for that establishment and expansion within and across those communities;

(ii) a description of how the State determined which communities are high-need communities, including how the State used a research-based methodology, approved by the Secretary, to identify and serve such communities, as determined by—

(I) the rate of poverty among eligible children in the community;

(II) rates of access to high-quality preschool within the community, including, as applicable, rates of disparities for underserved or vulnerable populations as identified through a periodic needs assessment conducted through the preschool de-

velopment grants program under section 9212 of the Every Student Succeeds Act (42 U.S.C. 9831 note) as applicable, or through another such statewide needs assessment; and

(III) other indicators of community need as required by the Secretary; and

(iii) an assurance that the State will distribute funding for such preschool services under this section within such a high-need community so that a majority of children in the community are offered such preschool services before the State establishes and expands free preschool services in communities with lower levels of need.

(C) As applicable, a description of how the State plans to use funding provided under this section to ensure that existing (as of the date of submission of the State plan) publicly funded preschool programs in the State meet the requirements of this section for a preschool program.

(D) A certification that the State will, in establishing and operating the program of preschool services supported under this section, support a mixed delivery preschool system, including a certification that the State will facilitate the participation in the system of Head Start programs and programs offered by other eligible providers, including providers of licensed family child care).

(E) 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, including an assurance that the State will offer inclusive programming that supports the least restrictive environment requirements in Section 619 of the Individuals with Disabilities Act for all eligible children who are children with disabilities.

(F) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(G) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(H) A description of how the State will coordinate the State's preschool standards described in subparagraph (A) with other early learning standards within the State.

(I) A description of how the State will—

(i) coordinate services and funding provided under this section with services and funding for other Federal, State, and local child care and early childhood development programs;

(ii) at the option of an Indian Tribe or Tribal organization in the State, collaborate and coordinate services and funding with such Indian Tribe or Tribal organization;

(iii) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State;

(iv) collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs; and

(v) improve transitions of children from early childhood education to elementary school.

(J) An assurance that the State will partner with not less than 1 institution of higher education to facilitate degree attainment for staff of preschool programs.

(K) An assurance that the State will ensure all preschool services in the State funded under this section will be—

(i)(I) universally available to all children in the State without any additional eligibility requirements; and

(II) be high quality, free, and inclusive;

(ii) by not later than 1 year after receiving such funding, meet the State's preschool education standards described in subparagraph (A);

(iii) offer programming that meets the duration requirements of at least 1,020 annual hours, in the program performance standards applicable to Head Start programs described in section 641A of the Head Start Act (42 U.S.C. 9836a);

(iv) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(I) children experiencing homelessness;

(II) children in foster care or kinship care;

(III) children in families who are engaged in migrant or seasonal agricultural labor;

(IV) children with disabilities, including children served under part C of the Individuals with Disabilities Education Act who are an eligible child under section 101(a)(3) of this Act; and

(V) dual language learners;

(v) provide salaries, and set salary schedules, for staff that are equivalent to salaries of elementary school staff with similar credentials and experience;

(vi) at a minimum, provide a living wage for all staff of such providers; and

(vii) require educational qualifications for teachers (excluding individuals who were employed by an eligible child care provider or early education program for a cumulative three of the last five years from the date of enactment and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State) 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 7

years after the date of enactment of this Act (The requirements specified in this clause shall not apply to individuals who were employed by an eligible child care provider or early education program for a cumulative 3 of the last 5 years from the date of enactment and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State.).

(L) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and assessments under this section.

(M) A certification that subgrant amounts described under subsection (d) are sufficient to enable the eligible provider to meet the requirements of this title, and will provide for increased staff payment amounts based on the criteria described in (K)(v) and (vi).

(N) A certification that preschool seats will be distributed equitably among child care (including family child care), Head Start, and schools within the State.

(7) DURATION OF THE PLAN.—Each State plan shall remain in effect for a period of 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(8) Transitional State Plan—The Secretary shall make available a transitional State plan for a period of one year that contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this title and that includes—

(A) an assurance that the State will submit a State plan under paragraph (6); and

(B) a description of how the funds received by the State under this title will be spent to expand access to universal, high-quality, free, inclusive, and mixed delivery preschool programs in alignment with the requirements of this title.

(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)(A) for a fiscal year shall use amounts provided through the payment to pay the Federal share of the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, inclusive, and mixed delivery preschool programs through the State preschool program in accordance with paragraph (2). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(3).

(B) AMOUNT.—A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a universal, high-quality, free, and inclusive preschool program that meets the requirements of subsection (c)(6)(K) and which amount shall reflect variations in the cost of preschool services by

geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities .

(C) DURATION.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer preschool programs funded under this subsection to a high percentage of low-income children to support—

(A) comprehensive services, including social, emotional and other services that support child well-being;

(B) health and developmental screenings; and

(C) service referral for children and families served by the program involved.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) 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 preschool programs within and across high-need communities identified under subsection (c)(6)(B) by awarding subgrants or contracts to eligible providers operating within, or with capacity to operate within and across, such high-need communities. Such subgrants or contracts shall be used to enroll and serve children in the preschool program, including—

(i) personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) costs associated with implementing the State's preschool standards, providing curriculum sports, and meeting early learning and development standards;

(iii) professional development, teacher supports, and training;

(iv) implementing developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) materials, equipment and supplies;

(vi) meeting health and safety standards, including licensure; and

(vii) rent or 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) meets the requirements of paragraph (2) with respect to establishing and expanding preschool programs within and across high-need communities, the State shall use any remaining funds from such

payment to enroll and serve children in preschool programs, as described in such paragraph, to additional communities in accordance with the statewide needs assessment used for purposes of paragraph (6)(B)(ii). Such funds shall be used for the activities described in (2)(A)(i)–(viii).

(e) GRANTS TO LOCALITIES.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE LOCALITY.—The term "eligible locality" means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(B) LOW-INCOME YOUNG CHILD.—The term "low-income young child" means a child who is under age 6 and from a family with a family income that is not more than 200 percent of the poverty guidelines.

(2) IN GENERAL.—The Secretary shall use funds reserved in subsection (b)(2)(F) to award local universal preschool grants to eligible localities located in States that have made it apparent that they will not apply for payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under paragraph (3). The Secretary shall specify the requirements for an eligible locality to conduct a preschool services program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, including ensuring a free, universal, high-quality, inclusive mixed delivery preschool system.

(3) ALLOTMENTS.—For each State described in paragraph (2), the Secretary shall allot for the State an amount that bears the same relationship to the funds reserved under subsection (b)(2)(F) as the number of low-income young children in the State bears to the total of all such children in States described in paragraph (2).

(4) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(5) PRIORITY FOR LOCALITIES SERVING UNDERSERVED COMMUNITIES.—In awarding a grant under this subsection, the Secretary, in collaboration with the Secretary of Education, shall give priority to eligible localities serving high-need communities, determined in accordance with subsection (d)(2)(B).

(f) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c), relating to a payment under such subsection, a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions and

(5) shall count no more than 50 percent of the State's current spending on prekindergarten programs (as of the date of enactment of this Act) toward the State match.

(g) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State's preschool program (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 (42 U.S.C. 9831 et seq.), or through any State spending on preschool services for any fiscal year that a State receives payments under subparagraphs (A) and (B) of 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 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, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reductions.

(h) SUPPLEMENT NOT SUPPLANT.—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on early childhood education programs in the State.

(i) NONDISCRIMINATION PROVISIONS.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(1) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(3) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(5) Section 654 of the Head Start Act (42 U.S.C. 9849)

Subtitle E—Child Nutrition and Related Programs

SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.

(a) MULTIPLIER AND THRESHOLD ADJUSTED.—

(1) MULTIPLIER.—Clause (vii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

"(vii) MULTIPLIER.—

"(I) IMPLEMENTATION IN 2022–2030.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2030, the Secretary shall use a multiplier of 2.5.

"(II) IMPLEMENTATION AFTER 2030.—For each school year beginning on or after July 1, 2030, the Secretary shall use a multiplier of 1.6.".

(2) THRESHOLD.—Clause (viii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

"(viii) THRESHOLD.—

"(I) IMPLEMENTATION IN 2022–2030.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2030, the threshold shall be not more than 25 percent.

"(II) IMPLEMENTATION AFTER 2030.—For each school year beginning on or after July 1, 2030, the threshold shall be not more than 40 percent.".

(3) APPLICABILITY.—The amendments made by this subsection shall apply to a local educational agency with respect to a school year beginning on or after July 1, 2022, for which such local educational agency elects to receive special assistance payments under subparagraph (F) of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)).

(b) STATEWIDE COMMUNITY ELIGIBILITY.—Section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by adding at the end the following:

"(xiv) STATEWIDE COMMUNITY ELIGIBILITY.—For each school year beginning on or after July 1, 2022, and ending before July 1, 2030, the Secretary shall establish a statewide community eligibility program under which, in the case of a State agency that agrees to provide funding from sources other than Federal funds to ensure that local educational agencies in the State receive the free reimbursement rate for 100 percent of the meals served at applicable schools—

"(I) the multiplier described in clause (vii) shall apply;

"(II) the threshold described in clause (viii) shall be applied by substituting zero for 25; and

"(III) the percentage of enrolled students who were identified students shall be calculated across all applicable schools in the State regardless of local educational agency.".

SEC. 24002. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended—

(1) in subsection (b)—

(A) by amending paragraph (5) to read as follows:

"(5) DISCRETIONARY CERTIFICATION.—

"(A) FREE LUNCHES OR BREAKFASTS.—Subject to paragraph (6), any local educational agency may certify any child as eligible for free lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as—

"(i) a member of a family that is receiving assistance under the temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) that the Secretary determines complies with standards established by the Secretary that ensure that the standards under the State program are comparable to or more restrictive than those in effect on June 1, 1995;

"(ii) a homeless child or youth (defined as 1 of the individuals described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2));

"(iii) served by the runaway and homeless youth grant program established under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

"(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399));

"(v) an eligible child (as defined in paragraph (15)(A)); or

"(vi)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

"(II) a foster child who a court has placed with a caretaker household.

"(B) REDUCED PRICE LUNCHES OR BREAKFASTS.—Subject to paragraph (6), any local educational agency may certify any child who is not eligible for free school lunch or breakfast as eligible for reduced price lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a child eligible for reduced price meals (as defined in paragraph (15)(A)).";

(B) in paragraph (6)(A), by striking "or (5)" both places it appears and inserting "(5), or (15)"; and

(C) in paragraph (15)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) ELIGIBLE CHILD.—The term 'eligible child' means a child—

"(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

"(bb) who is a member of a family with an income as measured by the Medicaid program that does not exceed 133 percent of the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program;

"(II) who is eligible for the Medicaid program because such child receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381–1385) or State supplementary benefits of the type referred to in section 1616(a) of such Act (or payments of the type described in section 212(a) of Public Law 93–66);

"(III) who is eligible for the Medicaid program because such child receives an adoption assistance payment made under section 473(a) of the Social Security Act (42 U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

"(IV) who is eligible for the Medicaid program because such child receives a kinship guardianship assistance payment made under section 473(d) of the Social Security Act (42 U.S.C. 673(d)) or under a similar State-funded or State-operated program, as determined by the Secretary, without regard to whether such child was previously in foster care; or

"(V) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations)) with a child described in subclause (I), (II), (III), or (IV)."; and

(II) by adding at the end the following:

"(iii) CHILD ELIGIBLE FOR REDUCED PRICE MEALS.—The term 'child eligible for reduced price meals' means a child—

"(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

"(bb) who is a member of a family with an income as measured by the Medicaid program that does exceed 133 percent but does not exceed 185 percent of the poverty line (as determined under

the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

"(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations)) with a child described in subclause (I).";

(ii) by striking subparagraphs (B), (C), (D), (E), (G), and (H);

(iii) in subparagraph (F)—

(I) in the enumerator, by striking "(F)" and inserting "(D)"; and

(II) by striking "conducting the demonstration project under this paragraph" and inserting "carrying out this paragraph";

(iv) by inserting after subparagraph (A) the following:

"(B) AGREEMENTS TO CARRY OUT CERTIFICATION.—To certify a child under subparagraph (A)(v) or (B) of paragraph (5), a State agency shall enter into an agreement with 1 or more State agencies conducting eligibility determinations for the Medicaid program.

"(C) PROCEDURES.—Subject to paragraph (6), an agreement under subparagraph (B) shall establish procedures under which—

"(i) an eligible child may be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)); and

"(ii) a child eligible for reduced price meals may be certified for reduced price lunches under this Act or reduced price breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).."; and

(v) by adding at the end the following:

"(E) SUNSET.—The authority under this paragraph shall terminate on the last day of school year 2030–2031."; and

(2) in subsection (d)(2)(G), by inserting "or child eligible for reduced price meals" after "eligible child".

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to the period—

(1) beginning on July 1, 2022; and

(2) ending on the last day of school year 2030–2031.

SEC. 24003. SUMMER ELECTRONIC BENEFITS 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 BENEFITS TRANSFER FOR CHILDREN PROGRAM.

"(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations participating in such program shall, beginning with summer 2023 and annually for each summer before the date described in subsection (g), issue to eligible households summer EBT benefits—

"(1) in accordance with this section; and

"(2) for the purpose of providing nutrition assistance through electronic benefits transfer during the summer months for eligible children, to ensure continued access to food when school is not in session for the summer.

"(b) SUMMER EBT BENEFITS REQUIREMENTS.—

"(1) PURCHASE OPTIONS.—

"(A) BENEFITS ISSUED BY STATES.—

"(i) WIC PARTICIPATION STATES.—In the case of a State that participated in a demonstration program under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132) during calendar year 2018 using a WIC model, summer EBT benefits issued pursuant to subsection (a) by such a State may only be used by the eligible household that receives such summer EBT benefits to purchase—

"(I) supplemental foods from retailers that have been approved for participation in—

"(aa) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(bb) the program under this section; or

"(II) food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2011(k))) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 7(b) of such Act (7 U.S.C. 2016(b)).

"(ii) OTHER STATES.—Summer EBT benefits issued pursuant to subsection (a) by a State not described in clause (i) may only be used by the eligible household that receives such summer EBT benefits to purchase food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2011(k))) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 7(b) of such Act (7 U.S.C. 2016(b)).

"(B) BENEFITS ISSUED BY COVERED INDIAN TRIBAL ORGANIZATIONS.—Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods

from retailers that have been approved for participation in—

"(i) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(ii) the program under this section.

"(2) AMOUNT.—Summer EBT benefits issued pursuant to subsection (a)—

"(A) shall be—

"(i) for calendar year 2023, in an amount equal to $75 for each child in the eligible household per month during the summer; and

"(ii) for calendar year 2024 and each year thereafter, in an amount equal to the amount described in clause (i), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan (as defined in section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) for the 12-month period ending on November 30 of the preceding calendar year; and

"(B) may be issued—

"(i) in the form of an EBT card; or

"(ii) through electronic delivery.

"(c) ENROLLMENT IN PROGRAM.—

"(1) STATE REQUIREMENTS.—States participating in the program under this section shall—

"(A) with respect to a summer, automatically enroll eligible children in the program under this section without further application;

"(B) establish procedures to carry out the enrollment described in subparagraph (A); and

"(C) require local educational agencies to allow eligible households to opt out of participation in the program under this section and establish procedures for opting out of such participation.

"(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program under this section shall, to the maximum extent practicable, meet the requirements under subparagraphs (A) through (C) of paragraph (1).

"(d) IMPLEMENTATION GRANTS.—On and after October 1, 2021, the Secretary shall carry out a program to make grants to States and covered Indian Tribal organizations to build capacity for implementing the program under this section.

"(e) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.—The Secretary shall establish alternative plans for when summer EBT benefits may be issued pursuant to subsection (a) in the case of children who are under a continuous school calendar.

"(f) FUNDING.—

"(1) PROGRAM FUNDING.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2029, out of any money in the Treasury not otherwise appropriated, such sums, to remain available for the period de-

scribed in paragraph (2), as may be necessary to carry out this section, including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies.

"(2) PERIOD DESCRIBED.—With respect to each fiscal year under paragraph (1), amounts made available for such a fiscal year under such paragraph shall remain available for the 2-year period following the date such amounts are made available.

"(3) IMPLEMENTATION GRANT FUNDING.—In addition to amounts otherwise available, including under paragraph (1), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, to carry out subsection (d).

"(g) SUNSET.—The authority under this section shall terminate on September 30, 2029.

"(h) 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 for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(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 described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1).

"(3) ELIGIBLE HOUSEHOLD.—The term 'eligible household' means a household that includes at least 1 eligible child.

"(4) SUPPLEMENTAL FOODS.—The term 'supplemental foods'—

"(A) means foods—

"(i) containing nutrients determined by nutritional research to be lacking in the diets of children; and

"(ii) that promote the health of the population served by the program under this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns, as determined by the Secretary; and

"(B) includes foods not described in subparagraph (A) substituted by State agencies, with the approval of the Secretary, that—

"(i) provide the nutritional equivalent of foods described in such subparagraph; and

"(ii) allow for different cultural eating patterns than foods described in such subparagraph.".

SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,

$500,000,000, to remain available until expended, to award grants to States (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))) to make competitive subgrants to local educational agencies and schools to purchase equipment with a value of greater than $1,000 that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1769j) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking.

(b) The Secretary may set aside up to 5 percent of the funds made available under subsection (a) for the purpose of training and technical assistance to support scratch cooking, which may be administered by States or other entities.

SEC. 24005. HEALTHY FOOD INCENTIVES DEMONSTRATION.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $634,000,000, to remain available until expended, to provide competitive grants to States in accordance with this section.

(b) A State that receives a grant under this section shall use such grant funds to make subgrants to local educational agencies and schools for activities that support—

(1) serving healthy school meals and afterschool snacks that meet discretionary goals established by the Secretary;

(2) increasing scratch cooking;

(3) conducting experiential nutrition education activities, including school garden programs;

(4) procuring local, regional, and culturally appropriate foods and foods produced by underserved or limited resource farmers, as defined by the Secretary, to serve as part of the child nutrition programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1769j) or the Child Nutrition Act of 1966 (42 U.S.C. 1771–1793);

(5) reducing the availability of less healthy foods, as defined by the Secretary, during the school day; or

(6) carrying out additional activities to encourage the development of healthy nutrition and physical activity habits among children.

(c) A State that receives a grant under this section may use such grant funds to fund a statewide nutrition education coordinator to—

(1) support individual school food authority nutrition education efforts; and

(2) facilitate collaboration with other nutrition education efforts in the State.

(d) A State that receives a grant under this section may not use more than 5 percent of such grant funds to carry out administrative activities.

(e) In this section, the term "State" has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

Subtitle F—Human Services and Community Supports

SEC. 25001. ASSISTIVE TECHNOLOGY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, to carry out the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.).

SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES FUNDING.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $27,000,000, to remain available until expended, for necessary administrative expenses to carry out sections 303, 309, and 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10401–10414) and section 2204 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25003. PREGNANCY ASSISTANCE FUND.

Section 10214 of the Patient Protection and Affordable Care Act (42 U.S.C. 18204) is amended by striking the period and inserting ", and $25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended, to carry out this part.".

SEC. 25004. FUNDING FOR THE AGING NETWORK AND INFRASTRUCTURE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Health and Human Services—

(1) $75,000,000 for the Research, Demonstration, and Evaluation Center for the Aging Network to carry out the activities of the Center under section 201(g) of the Older Americans Act of 1965 (OAA) (42 U.S.C. 3011(g));

(2) $655,000,000 to carry out part B of title III of the OAA (42 U.S.C. 3030d), including for—

(A) supportive services of the type made available for fiscal year 2021 and authorized under such part;

(B) investing in the aging services network for the purposes of improving the availability of supportive services, including investing in the aging services network workforce;

(C) the acquisition, alteration, or renovation of facilities, including multipurpose senior centers and mobile units; and

(D) construction or modernization of facilities to serve as multipurpose senior centers;

(3) $140,000,000 to carry out part C of title III of the OAA (42 U.S.C. 3030d–21–3030g–23), including to support the modernization of infrastructure and technology, including kitchen equipment and delivery vehicles, to support the provision of congregate nutrition services and home delivered nutrition services under such part;

(4) $150,000,000 to carry out part E of title III of the OAA (42 U.S.C. 3030s–3030s-2), including section 373(e) of such part (42 U.S.C. 3030s–1(e));

(5) $50,000,000 to carry out title VI of the OAA (42 U.S.C. 3057–3057o), including part C of such title (42 U.S.C. 3057k-11);

(6) $50,000,000 to carry out the long-term care ombudsman program under title VII of the OAA (42 U.S.C. 3058–3058ff);

(7) $59,000,000 for technical assistance centers or national resource centers supported under the OAA, including all such centers that received funding under title IV of the OAA (42 U.S.C. 3031–3033a) for fiscal year 2021, in order to support technical assistance and resource development related to culturally appropriate care management and services for older individuals with the greatest social need, including racial and ethnic minority individuals;

(8) $15,000,000 for technical assistance centers or national resource centers supported under the OAA that are focused on providing services for older individuals who are underserved due to their sexual orientation or gender identity;

(9) $1,000,000 for efforts of national training and technical assistance centers supported under the OAA to—

(A) support expanding the reach of the aging services network to more effectively assist older individuals in remaining socially engaged and active;

(B) provide additional support in technical assistance and training to the aging services network to address the social isolation of older individuals;

(C) promote best practices and identify innovation in the field; and

(D) continue to support a repository for innovations designed to increase the ability of the aging services network to tailor social engagement activities to meet the needs of older individuals; and

(10) $5,000,000 to carry out section 417 of the OAA (42 U.S.C. 3032f).

Amounts appropriated by this subsection shall remain available until expended.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The non-Federal contribution requirements under sections 304(d)(1)(D) and 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D), 3033(a)), and section 373(h)(2) of such Act (42 U.S.C. 3030s–1(h)(2)), shall not apply to—

(1) any amounts made available under this section; or

(2) any amounts made available under section 2921 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25005. OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for the Office of Inspector General of the Department of Health and Human Services, for salaries and expenses necessary for oversight, investiga-

tions, and audits of programs, grants, and projects funded under subtitles D and F of this title.

SEC. 25006. TECHNICAL ASSISTANCE CENTER FOR SUPPORTING DIRECT CARE AND CAREGIVING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, acting through the Administrator for the Administration for Community Living, 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 establish, directly or through grants, contracts, or cooperative agreements, a national technical assistance center (referred to in this section as the "Center") to—

(1) provide technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement, and for supporting family caregivers and caregiving activities;

(2) develop and disseminate a set of replicable models or evidence-based or evidence-informed strategies or best practices for—

(A) recruitment, education and training, retention, and career advancement of direct care workers;

(B) reducing barriers to accessing direct care services; and

(C) increasing access to alternatives to direct care services, including assistive technology, that reduce reliance on such services;

(3) provide recommendations for education and training curricula for direct care workers; and

(4) provide recommendations for activities to further support paid and unpaid family caregivers, including expanding respite care.

(b) DIRECT CARE WORKER DEFINED.—The term "direct care worker" has the meaning given such term in section 22301.

TITLE III—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Air Pollution

SEC. 30101. CLEAN HEAVY-DUTY VEHICLES.

(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, $5,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to carry out section 132 of the Clean Air Act, as added by subsection (b).

(2) RESERVATION.—Of the funds appropriated by paragraph (1), the Administrator of the Environmental Protection Agency shall reserve 3 percent for administrative costs necessary to

carry out section 132 of the Clean Air Act, as added by subsection (b).

(b) AMENDMENT.—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"SEC. 132. CLEAN HEAVY-DUTY VEHICLES.

"(a) 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 providing rebates, for up to 100 percent of costs for—

"(1) replacing eligible vehicles with zero-emission vehicles;

"(2) infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

"(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

"(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

"(b) APPLICATIONS.—To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application in such form and manner as the Administrator shall prescribe.

"(c) ALLOCATION.—Of any amount appropriated to carry out this section, no less than 40 percent shall be used for awards to eligible recipients proposing to replace eligible vehicles to serve one or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air pollutant.

"(d) DEFINITIONS.—For purposes of this section:

"(1) ELIGIBLE CONTRACTOR.—The term 'eligible contractor' means a contractor that is a for-profit or nonprofit entity that has the capacity—

"(A) to sell zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own an eligible vehicle; or

"(B) to arrange financing for such a sale.

"(2) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a State or local governmental entity;

"(B) an Indian Tribe (as defined in section 302);

"(C) a nonprofit school transportation association; or

"(D) an eligible contractor.

"(3) ELIGIBLE VEHICLE.—The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, 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 emission 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.".

SEC. 30102. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 133. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

"(a) 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, $3,500,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to award rebates and grants to eligible recipients on a competitive basis to—

"(1) purchase or install zero-emissions port equipment and technology for use at, or to directly serve, one or more ports;

"(2) conduct any relevant planning or permitting in connection with such zero-emissions port equipment and technology; and

"(3) develop qualified climate action plans.

"(b) RESERVATION.—Of the funds made available by this section, $875,000,000 shall be reserved for awards to eligible recipients to carry out activities with respect to ports located in nonattainment areas for any air pollutant.

"(c) LIMITATION.—Funds awarded under this section shall not be used—

"(1) to purchase fully automated cargo-handling equipment or terminal infrastructure that is designed for fully automated cargo-handling equipment; or

"(2) by any recipient or sub-recipient to perform construction, alteration, installation, or repair work that is not located at, or does not directly serve, the one or more ports involved.

"(d) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

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

"(1) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means—

"(A) a port authority;

"(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

"(C) an air pollution control agency; or

"(D) a private entity (including any nonprofit organization) that—

"(i) applies for a grant under this section in partnership with an entity described in subparagraphs (A), (B), or (C); and

"(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

"(2) QUALIFIED CLIMATE ACTION PLAN.—The term 'qualified climate action plan' means a detailed and strategic plan that—

"(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress towards stated goals) to reduce emissions at one or more ports of—

"(i) greenhouse gases;

"(ii) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(iii) hazardous air pollutants; and

"(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of such plan, including low-income and disadvantaged near-port communities.

"(3) ZERO-EMISSIONS PORT EQUIPMENT AND TECHNOLOGY.—The term 'zero-emissions port equipment and technology' means any equipment or technology that—

"(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

"(B) captures 100 percent of such emissions produced by an ocean-going vessel at berth.".

SEC. 30103. GREENHOUSE GAS REDUCTION FUND.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 134. GREENHOUSE GAS REDUCTION FUND.

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

"(1) $7,495,000,000 to the Administrator, to remain available until expended (except that no funds shall be disbursed after September 30, 2026), to make grants, on a competitive basis and not later than 180 calendar days after the date of enactment of this section, to States, units of local government, the District of Columbia, territories of the United States, Tribal governments, and eligible recipients for the purposes of providing financial and technical assistance to enable low-income and disadvantaged communities to deploy zero-emission technologies, including distributed zero-emission technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section;

"(2) $19,995,000,000 to the Administrator, to remain available until expended (except that no funds shall be disbursed after September 30, 2026), to make grants, on a competitive basis and not later than 180 calendar days after the date of enactment of this section, to eligible recipients, of which $8,000,000,000 shall be used to provide financial assistance in low-income and disadvantaged communities; and

"(3) $10,000,000 to the Administrator, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for the 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 operate in accordance with the following:

"(1) DIRECT INVESTMENT.—An eligible recipient shall—

"(A) use a broad range of finance and investment tools to provide financial assistance to qualified projects at the national, regional, State, and local levels, including, as applicable, through both concessionary and market rate financing;

"(B) prioritize investment in qualified projects that would otherwise lack access to financing;

"(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability; and

"(D) meet any requirements set forth by the Administrator to ensure accountability and proper management of funds appropriated by this section.

"(2) INDIRECT INVESTMENT.—An eligible recipient shall provide financial and technical assistance to establish new or support existing public, quasi-public, 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 activities;

"(B) does not take deposits, other than from 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.—The term 'qualified project' includes any low- or zero-emission project, technology, or activity 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 communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

"(3) 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 any precursor to such an air pollutant); and

"(B) any greenhouse gas.".

SEC. 30104. COLLABORATIVE COMMUNITY WILDFIRE AIR GRANTS.

(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, $150,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for grants authorized under section 103 of the Clean Air Act (42 U.S.C. 7403) to assist eligible entities in developing and implementing collaborative community plans to prepare for smoke from wildfires, reduce risks of smoke exposure due to wildfires, and mitigate the health and environmental effects of smoke from wildfires.

(b) TECHNICAL ASSISTANCE.—The Administrator of the Environmental Protection Agency may use amounts made available under subsection (a) to provide technical assistance to any eligible entity in—

(1) submitting an application for a grant to be made pursuant to this section; or

(2) carrying out a project using a grant made pursuant to this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7.5 percent for administrative costs to carry out this section.

(d) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means a State, a territory, a unit of local government (including any special district, such as an air quality management district), or an Indian Tribe.

SEC. 30105. DIESEL EMISSIONS REDUCTIONS.

(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, $170,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to address diesel emissions, of which—

(1) $100,000,000 shall be for grants, rebates, loans, and other Environmental Protection Agency activities under subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 through 16137) 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;

(2) $50,000,000 shall be for grants, rebates, loans, and other Environmental Protection Agency activities under subtitle G of title VII of the Energy Policy Act of 2005; and

(3) $20,000,000 shall be for grants, rebates, loans, and other Environmental Protection Agency activities under subtitle G of title VII of the Energy Policy Act of 2005 to identify and reduce diesel emissions 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 5 percent of the amounts made available under subsection (a) for the administrative costs necessary to carry out activities pursuant to such subsection.

SEC. 30106. FUNDING TO ADDRESS AIR POLLUTION.

(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, $320,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to address air pollution, of which—

(1) $265,000,000 shall be for grants and other activities authorized under sections 102, 103, and 105 of the Clean Air Act (42 U.S.C. 7402, 7403, and 7405), of which—

(A) $122,000,000 shall be to deploy, integrate, support, and maintain fenceline monitoring and screening air monitoring, including national air toxics trend stations and other air toxics and community monitoring;

(B) $75,000,000 shall be to expand the national ambient air quality monitoring network with new multipollutant monitoring stations and to replace, repair, operate, and maintain existing monitors;

(C) $3,000,000 shall be to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities; and

(D) $15,000,000 shall be for testing and other agency activities to address emissions from wood heaters; and

(E) $50,000,000 shall be for monitoring emissions of methane;

(2) $50,000,000 shall be to carry out, with respect to greenhouse gases, sections 111, 115, 169, 177, 202, 211, 213, 231, and 612, and other sections of the Clean Air Act (42 U.S.C. 7411, 7415, 7479, 7507, 7521, 7545, 7547, 7571, 7671k, and others); and

(3) $5,000,000 shall be to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(1), the Administrator of the Environmental Protection Agency shall reserve 5 percent for activities funded pursuant to such subsection other than grants.

SEC. 30107. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

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 expended, for grants, rebates, contracts, and other activities to monitor and reduce air pollution and greenhouse gas emissions 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) and section 105 of that Act (42 U.S.C. 7405), of which the Administrator shall reserve not less than 25 percent for technical assistance to such schools—

(1) to address environmental issues;

(2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and

(3) to identify and mitigate ongoing air pollution hazards.

SEC. 30108. LOW EMISSIONS ELECTRICITY PROGRAM.

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

"(a) APPROPRIATIONS.—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, $100,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to carry out this section.

"(b) USE OF FUNDS.—Of the amounts made available by subsection (a), the Administrator shall use—

"(1) not less than $10,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(2) not less than $10,000,000 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) not less than $10,000,000 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) not less than $10,000,000 for outreach and technical assistance to State and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(5) not less than $1,000,000 to assess, not later than the date that is 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) not less than $20,000,000 to carry out this section to ensure that the anticipated reductions in greenhouse gas emissions from domestic electricity generation and use as assessed under paragraph (5) are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act.".

SEC. 30109. FUNDING FOR SECTION 211 OF THE CLEAN AIR ACT.

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 expended, to carry out section 211 of the Clean Air Act (42 U.S.C. 7545), of which—

(1) not less than $5,000,000 shall be for the development and establishment of tests and protocols regarding the environ-

mental and public health effects of a fuel or fuel additive; 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 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; and

(2) not less than $5,000,000 shall be for new grants to industry and other related activities to support investments in advanced biofuels.

SEC. 30110. FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(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, $42,000,000, to remain available until September 30, 2026, to carry out section 103 of division S of Public Law 116–260, of which—

(1) $3,500,000 shall be to deploy new implementation and compliance tools; and

(2) $15,000,000 shall be for competitive grants for reclaim and innovative destruction technologies.

(b) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsection (a)(2), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs of carrying out such section 103.

SEC. 30111. FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

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 expended (except that no funds shall be disbursed after September 30, 2031), to address air pollution, of which—

(1) $37,000,000 shall be to update 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;

(2) $7,000,000 shall be 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 ensure communication with such Integrated Compliance Information System and any associated systems; and

(3) $6,000,000 shall be 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 to acquire necessary devices on which to run such inspection software.

SEC. 30112. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency Office of Air and Radiation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for the Environmental Protection Agency to support—

(1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;

(2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and

(3) progress toward meeting such commitments and implementing such plans.

SEC. 30113. 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 expended (except that no funds shall be disbursed after September 30, 2031), to develop and carry out a program, to be known as the Environmental Product Declaration Assistance Program, to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

(1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations; and

(3) carrying out other activities that assist in measuring and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 7.5 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 gas 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; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

SEC. 30114. ENVIRONMENTAL PROTECTION AGENCY METHANE FEE.

(a) APPROPRIATION.—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, $75,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2024), to carry out section 136 of the Clean Air Act, as added by this section.

(b) AMENDMENT.—Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end the following:

"SEC. 136. METHANE FEE FROM PETROLEUM AND NATURAL GAS SYSTEMS.

"(a) IN GENERAL.—The Administrator shall impose and collect a fee from the owner or operator of each applicable facility that is required to report methane emissions pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations).

"(b) 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 (or any successor regulations):

"(1) Offshore petroleum and natural gas production.

"(2) Onshore petroleum and natural gas production.

"(3) Natural gas processing,

"(4) Natural gas transmission and 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) FEE AMOUNT.—The amount of a fee imposed and collected under subsection (a) for an applicable facility shall be equal to the product obtained by multiplying—

"(1) subject to subsection (d), the number of tons of methane reported for the applicable facility pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations), during the previous reporting period; and

"(2) $1500.

"(d) INTENSITY THRESHOLD.—

"(1) PETROLEUM AND NATURAL GAS PRODUCTION.—With respect to imposing and collecting the fee under subsection (a) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (b), the Administrator shall impose and collect the fee on the reported tons of methane emissions that exceed 0.20 percent of the natural gas sent to sale from such facility.

"(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.—With respect to imposing and collecting the fee under

subsection (a) for an applicable facility in an industry segment listed in paragraph (3), (5), (6), (7), or (8) of subsection (b), the Administrator shall impose and collect the fee on the reported tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

"(3) NATURAL GAS TRANSMISSION.—With respect to imposing and collecting the fee under subsection (a) for an applicable facility in an industry segment listed in paragraph (4) or (9) of subsection (b), the Administrator shall impose and collect the fee on the reported tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

"(e) PERIOD.—The fee under subsection (a) shall be imposed and collected beginning with respect to emissions reported for calendar year 2023 and for each year thereafter.

"(f) IMPLEMENTATION.—In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

"(g) 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 subpart W of part 98 of title 40, Code of Federal Regulations—

"(1) to reduce the facility emissions threshold for reporting under such subpart and for paying the fee imposed under this section to 10,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year; and

"(2) to ensure the reporting under such subpart, and calculation of fees under subsection (c) of this section, are based on empirical data and accurately reflect the total methane emissions from the applicable facilities.

"(h) LIABILITY FOR FEE PAYMENT.—A facility owner or operator's liability for payment of the fee under subsection (a) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities.

"(i) USE OF PROCEEDS.—

"(1) TRANSFER OF FUNDS.—For each applicable fiscal year, the Secretary of the Treasury shall, without further appropriation, transfer to the Administrator an amount equal to 75 percent of the amounts received during the preceding fiscal year as a result of the methane fee in subsection (a).

"(2) USE OF FUNDS.—The Administrator shall, without further appropriation, use the amounts transferred under paragraph (1) (except that no funds shall be disbursed after September 30, 2028)—

"(A) to cover all direct and indirect costs required to develop and administer this section, including the costs of—

"(i) implementing the fee;

"(ii) continuous emissions and ambient methane and other greenhouse gas monitoring;

"(iii) preparing generally applicable regulations, or guidance;

"(iv) modeling, analyses, and demonstrations; and

"(v) preparing inventories, gathering empirical data, and tracking emissions;

"(B) for grants, rebates, contracts and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities preparing and submitting greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations (or successor regulations);

"(C) for grants, rebates, contracts, and other activities of the Environmental Protection Agency authorized under section 103 for methane emissions monitoring; and

"(D) for grants, rebates, contracts, 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 from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

"(i) improving climate resiliency of communities and petroleum and natural gas systems;

"(ii) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions;

"(iii) supporting innovation in reducing methane and other greenhouse gas emissions from petroleum and natural gas systems;

"(iv) 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

"(v) supporting environmental restoration.".

Subtitle B—Hazardous Materials

SEC. 30201. SUPERFUND INVESTMENTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until expended, for response actions carried out by Federal agencies, consistent with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) at Federal facilities included on the National Priority List published pursuant to section 105 of such Act (42 U.S.C. 9605), which shall supplement, not supplant, individual agency appropriations for such response actions.

SEC. 30202. FUNDING TO ADDRESS TOXICS IN SCHOOLS.

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 expended, for grants, contracts, and other activities to reduce pollution at schools in low-income and disadvantaged communities under title V of the Toxic Substances Control Act (15 U.S.C. 2695 et seq.).

SEC. 30203. GRANTS TO REDUCE WASTE IN COMMUNITIES.

(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, $750,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to make grants, on a competitive basis, to eligible recipients to—

(1) minimize the amount of waste generated from manufacturing processes or when consumer products are disposed of, including by encouraging product or manufacturing redesign or redevelopment that reduces packaging and waste byproducts;

(2) construct, expand, or modernize infrastructure for organics recycling and reuse, including any facility, machinery, or equipment used to collect and process organic material;

(3) create market demand or manufacturing capacity for recovered, recyclable, or recycled commodities and products;

(4) support projects and programs that reduce food waste; or

(5) support the development and implementation of activities that reduce the amount of waste disposed of in landfills, including—

(A) expanding the availability of curbside organic waste collection;

(B) encouraging diversion of organic waste from landfills; or

(C) increasing fees imposed on the disposal of waste, including organic waste, at landfills.

(b) RESERVATION.—Of the funds made available under this section, the Administrator of the Environmental Protection Agency shall reserve $300,000,000 for grants for projects in low-income or disadvantaged communities.

(c) ADMINISTRATION OF FUNDS.—Of the funds made available under this section, the Administrator of the Environmental Protection Agency shall reserve 2 percent for administrative costs to carry out this section.

(d) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term "eligible recipient" means—

(1) a single unit of State, local, or Tribal government;

(2) a partnership of multiple units of State, local, or Tribal governments;

(3) a partnership of one or more units of State, local, or Tribal governments and one or more for-profit or nonprofit organizations; or

(4) a nonprofit organization or a partnership of nonprofit organizations.

SEC. 30204. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

(a) APPROPRIATION.—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 expended (except that no funds shall be disbursed after September 30, 2031), to carry out this section.

(b) GRANTS.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency may use amounts made available under subsection (a) 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) investments in community low-emission, zero-emission, and emission-reducing infrastructure, including construction of such infrastructure;

(B) climate resiliency, mitigation, and adaptation projects, including projects related to urban heat islands, extreme heat, wood heater emissions, and wildfire events;

(C) community-led pollution monitoring, prevention, and remediation, including any necessary job training programs;

(D) reducing indoor toxics and indoor air pollution;

(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings; or

(F) any other activity the Administrator of the Environmental Protection Agency determines appropriate.

(3) ELIGIBLE ENTITIES.—In this subsection, the term "eligible entity" means—

(A) a partnership between an Indian Tribe, a local government, or an institution of higher education and a community-based nonprofit organization;

(B) a community-based nonprofit organization; or

(C) a partnership of community-based nonprofit organizations.

(4) PRIORITY.—In awarding grants under this subsection, the Administrator of the Environmental Protection Agency shall give priority to eligible entities described in subparagraph (B) or (C) of paragraph (3).

(c) TECHNICAL ASSISTANCE.—The Administrator of the Environmental Protection Agency shall reserve $500,000,000 of the amounts made available under subsection (a) for grants or contracts for technical assistance throughout the United States related to grants awarded in this section.

Subtitle C—Drinking Water

SEC. 30301. LEAD SERVICE LINE REPLACEMENT.

(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, $30,000,000,000, to make capitalization grants under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), to remain available until expended, for full lead service line replacement projects and associated activities directly connected to the identification, planning, design, and full replacement of lead service lines, of which $20,000,000,000

shall be for subsidies to disadvantaged communities (as defined in subsection (d)(3) of such section) in the form of loans, with 100 percent forgiveness of principal, or grants, notwithstanding subsection (d)(2) of such section.

(b) PROHIBITION ON PARTIAL LINE REPLACEMENT.—No funds made available under this section may be used for partial replacement of lead service lines.

(c) NO LEVERAGING.—Funds made available under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.

SEC. 30302. COMMUNITY WATER SYSTEM RISK AND RESILIENCE.

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 expended, for grants under section 1433(g) of the Safe Drinking Water Act (42 U.S.C. 300i–2(g)).

SEC. 30303. GRANTS FOR STATE PROGRAMS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for grants under section 1443 of the Safe Drinking Water Act (42 U.S.C. 300j–2).

SEC. 30304. ASSISTANCE FOR COLONIAS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for grants under section 1456 of the Safe Drinking Water Act (42 U.S.C. 300j–16).

SEC. 30305. GRANTS TO REDUCE LEAD IN SCHOOL DRINKING WATER.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until expended, for grants under sections 1464 and 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–24 and 300j-25), of which—

(1) $420,000,000 shall be for grants for the installation and maintenance of lead filtration stations at schools and child care programs;

(2) $150,000,000 shall be for grants under section 1464(d); and

(3) $50,000,000 shall be for grants under section 1465(b)(1) to pay the costs of replacement of drinking water fountains in schools.

SEC. 30306. GRANTS FOR INDIAN RESERVATION DRINKING WATER INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, to implement eligible projects under section 2001 of America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-3c note), notwithstanding the geographic limitations in that section.

SEC. 30307. ASSISTANCE FOR AREAS AFFECTED BY NATURAL DISASTERS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for grants under section 2020 of America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-12 note), of which, notwithstanding subsection (a)(2) of such section, $10,000,000 shall be available to make grants to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands for the purposes of providing assistance to eligible systems to restore or increase compliance with national primary drinking water regulations in an underserved area.

SEC. 30308. ASSISTANCE FOR DISADVANTAGED COMMUNITIES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended, for grants under section 1459A(b) of the Safe Drinking Water Act (42 U.S.C. 300j–19a(b)).

SEC. 30309. GRANTS FOR CONTAMINANT MONITORING.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, to make grants to pay for the costs of monitoring required under section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)).

SEC. 30310. TECHNICAL ASSISTANCE TO SMALL PUBLIC WATER SYSTEMS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, to provide technical assistance under section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)).

SEC. 30311. FUNDING FOR WATER ASSISTANCE PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this section referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for grants to States and Indian Tribes to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater services, by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.

(b) ALLOTMENT.—The Secretary shall—

(1) allot amounts appropriated in this section to a State or Indian Tribe based on—

(A) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, with annual income equal to or less than 150 percent of the Federal poverty line; and

(B) the percentage of households in the State, or under the jurisdiction of the Indian Tribe, that spend more than 30 percent of monthly income on housing; and

(2) reserve up to 3 percent of the amount appropriated in this section for Indian Tribes and Tribal organizations.

(c) DEFINITION.—In this section, the term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Subtitle D—Energy

PART 1—CLEAN ELECTRICITY PERFORMANCE PROGRAM

SEC. 30411. CLEAN ELECTRICITY PERFORMANCE PROGRAM.

(a) APPROPRIATION.—

(1) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), for the administrative expenses of carrying out section 224 of the Federal Power Act (as added by this section).

(2) GRANTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for each of fiscal years 2023 through 2031, out of any money in the Treasury not otherwise appropriated, such sums as are necessary to issue grants under section 224 of the Federal Power Act (as added by this section) (except that no funds shall be disbursed after September 30, 2031).

(b) PROGRAM.—Part II of the Federal Power Act is amended by adding after section 223 (16 U.S.C. 824w) the following:

"SEC. 224. CLEAN ELECTRICITY PERFORMANCE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a program to—

"(1) issue grants for each of calendar years 2023 through 2030 to eligible electricity suppliers in accordance with this section; and

"(2) collect payments for each of calendar years 2023 through 2030 from eligible electricity suppliers in accordance with this section.

"(b) GRANTS TO ELIGIBLE ELECTRICITY SUPPLIERS.—

"(1) ELIGIBILITY FOR GRANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible electricity supplier shall be eligible for a grant under this section for a performance year if the certified clean electricity percentage of the eligible electricity supplier for that performance year is increased by at least 4 percentage points from the greater of—

"(i) the highest certified clean electricity percentage of the eligible electricity supplier for any year prior to that performance year; or

"(ii) the baseline clean electricity percentage of the eligible electricity supplier.

"(B) ADJUSTMENT.—With respect to a performance year in which an eligible electricity supplier submitted a payment under this section for the year prior to that performance year, the eligible electricity supplier shall be eligible for a grant under this section if the certified clean electricity percentage of the eligible electricity supplier for that performance year is increased by at least—

"(i) the number of percentage points described in subparagraph (A); plus

"(ii) the number of percentage points that equals the sum described in subsection (c)(2)(B) for the year for which the payment was submitted.

"(2) GRANT CALCULATION.—Except as provided in subsection (d), the Secretary shall issue to an eligible electricity supplier a grant under this section for a performance year in an amount equal to $150 for each megawatt-hour of qualified clean electricity validly claimed by the eligible electricity supplier under subsection (e)(1)(A)(i) for that performance year that exceeds the sum of—

"(A) the product obtained by multiplying—

"(i) the total load of the eligible electricity supplier for that performance year; and

"(ii) 0.015; and

"(B) the greater of—

"(i) the largest quantity of megawatt-hours of qualified clean electricity claimed by the eligible electricity supplier under subsection (e)(1)(A)(i) for any year prior to that performance year; or

"(ii) the quantity of megawatt-hours represented by the baseline clean electricity percentage of the eligible electricity supplier.

"(3) INITIAL GRANTS.—In calculating a grant for performance year 2023, the product described in paragraph (2)(A) shall be obtained by substituting 0.025 for 0.015.

"(c) PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3) and subsection (d), the Secretary shall collect a payment for a performance year in accordance with this subsection from each eligible electricity supplier that does not have a certified clean electricity percentage for that performance year that is increased by at least 4 percentage points above the greater of—

"(A) the highest certified clean electricity percentage of the eligible electricity supplier from any year prior to that performance year; or

"(B) the baseline clean electricity percentage of the eligible electricity supplier.

"(2) PAYMENT CALCULATION.—For each eligible electricity supplier, the payment described in paragraph (1) shall be

equal to the dollar amount that is the product obtained by multiplying—

"(A) $40; and

"(B) the quantity of megawatt-hours that represents the percentage of the total electricity load of the eligible electricity supplier for the performance year that is represented by the number that equals the sum of—

"(i) 4; plus

"(ii) the number that is equal to—

"(I) the greater of—

"(aa) the highest certified clean electricity percentage of the eligible electricity supplier for any year prior to that performance year; or

"(bb) the baseline clean electricity percentage of the eligible electricity supplier; minus

"(II) the certified clean electricity percentage of the eligible electricity supplier for that performance year.

"(3) EXCEPTION.—The Secretary shall not collect a payment for a performance year from an eligible electricity supplier that has a certified clean electricity percentage for that performance year that is 85 percent or greater, subject to the condition that the certified clean electricity percentage of the eligible electricity supplier for that performance year is not less than the certified clean electricity percentage of the eligible electricity supplier for the year prior to that performance year.

"(4) DEADLINE.—The Secretary shall collect a payment under this section from an eligible electricity supplier not later than 6 months after the date on which the eligible electricity supplier submits the applicable certification under subsection (e)(1)(A)(i).

"(5) RESTRICTION.—An eligible electricity supplier may not recover the cost of a payment submitted under this section from any person other than the shareholders or owners of the eligible electricity supplier.

"(d) DEFERRAL OF GRANTS AND PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), with respect to any of calendar years 2023 through 2029, an eligible electricity supplier may elect to defer a grant or a payment for the calendar year, and shall notify the Secretary of such election at such time and in such form as the Secretary requires.

"(2) LIMITATION.—An eligible electricity supplier may not make an election described in paragraph (1) for a calendar year if the eligible electricity supplier made that election for the preceding 2 calendar years.

"(3) GRANT OR PAYMENT FOLLOWING DEFERRAL.—

"(A) ELIGIBILITY.—An eligible electricity supplier making an election under this subsection shall be eligible for a grant, or shall submit a payment, for a performance year following a deferred year based on whether its certified clean electricity percentage increased, on average, by 4 or more percentage points in that performance year and each

consecutive deferred year immediately preceding that performance year.

"(B) AMOUNTS.—The amount of a grant or payment pursuant to this subsection shall be based on the calculations set forth in subsections (b) and (c), respectively, adjusted to account for the performance year and each deferred year.

"(e) REQUIREMENTS.—

"(1) CONDITIONS.—In each of calendar years 2024 through 2031, each eligible electricity supplier—

"(A) shall submit to the Secretary, by a date determined by the Secretary (but not later than June 1)—

"(i) a performance certification for the preceding calendar year, using such methods and subject to such audit provisions as the Secretary determines appropriate, of—

"(I) the total electricity load of the eligible electricity supplier in such preceding calendar year;

"(II) the quantity of megawatt-hours of qualified clean electricity that the eligible electricity supplier claims for such preceding calendar year for purposes of this section; and

"(III) the percentage of the total electricity load certified under subclause (I) that is qualified clean electricity claimed under subclause (II);

"(ii) a written assurance that the eligible electricity supplier will promptly report to any applicable commission, board, or governance body that regulates the eligible electricity supplier any grant received or payment submitted by the eligible electricity supplier under this section; and

"(iii) a compliance certification that the eligible electricity supplier has complied, with respect to each grant received or payment submitted by the eligible electricity supplier under this section, as applicable, with—

"(I) all written assurances submitted under this section;

"(II) the requirements of paragraph (3); and

"(III) requirements established by the Secretary to ensure the financial integrity of grants issued and payments collected under this section; and

"(B) may not receive a grant under this section for a performance year unless the eligible electricity supplier—

"(i) complies with subparagraph (A) with respect to that performance year; and

"(ii) submits to the Secretary, for that performance year, a written assurance in accordance with section 803(b)(3) of the Energy Independence and Security Act (42 U.S.C. 17282(b)(3)) (for purposes of which any reference to a grant under that section shall be considered to be a reference to a grant under this section).

"(2) BASELINE.—Each eligible electricity supplier, including each new eligible electricity supplier, shall provide sufficient

information to the Secretary, as determined by the Secretary, to establish its baseline clean electricity percentage.

"(3) USE OF FUNDS.—An eligible electricity supplier shall use a grant received under this section exclusively for the benefit of the ratepayers of the eligible electricity supplier, including direct bill assistance to ratepayers, investments in qualified clean electricity and energy efficiency, and worker retention.

"(f) DEFINITIONS.—In this section:

"(1) BASELINE CLEAN ELECTRICITY PERCENTAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'baseline clean electricity percentage' means, with respect to an eligible electricity supplier, the average percentage of the total electricity load of the eligible electricity supplier for calendar years 2019 and 2020 that is represented by, as determined by the Secretary—

"(i) the average clean electricity percentage of the eligible electricity supplier for such calendar years; and

"(ii) a share of any unallocated qualified clean electricity for such calendar years.

"(B) NEW ELIGIBLE ELECTRICITY SUPPLIERS.—With respect to a new eligible electricity supplier, the term 'baseline clean electricity percentage' means the prevailing average clean electricity percentage of comparable eligible electricity suppliers in the area in which the new eligible electricity supplier provides end-use electricity customers with electricity, as determined by the Secretary.

"(2) CARBON DIOXIDE EQUIVALENT EMISSIONS.—The term 'carbon dioxide equivalent emissions' means, with respect to a greenhouse gas, the number of metric tons of carbon dioxide emissions with the same global warming potential over a 20-year period as 1 metric ton of emissions of the greenhouse gas, as determined by the Secretary, taking into consideration relevant methods and information described in assessment reports prepared by the Intergovernmental Panel on Climate Change.

"(3) CARBON INTENSITY.—The term 'carbon intensity' means the carbon dioxide equivalent emissions released into the atmosphere from the generation of 1 megawatt-hour of electricity by an electric generating unit, as determined by the Secretary.

"(4) CERTIFIED CLEAN ELECTRICITY PERCENTAGE.—The term 'certified clean electricity percentage' means, with respect to an eligible electricity supplier, the percentage certified by the eligible electricity supplier under subsection (e)(1)(A)(i)(III), which may only include qualified clean electricity with respect to which the eligible electricity supplier holds the exclusive rights to the qualifying attributes.

"(5) CLEAN ELECTRICITY PERCENTAGE.—The term 'clean electricity percentage' means, with respect to an eligible electricity supplier, the percentage of the total electricity load of the eligible electricity supplier that is qualified clean electricity, with respect to which the eligible electricity supplier holds the exclusive rights to the qualifying attributes.

"(6) ELIGIBLE ELECTRICITY SUPPLIER.—The term 'eligible electricity supplier' means, notwithstanding section 201(b)(1), any

entity within the United States, including an entity described in section 201(f), that—

"(A) provides end-use electricity customers with electricity; and

"(B) is granted the authority or has an obligation pursuant to Federal, State, or local law or regulation to provide electricity to end-use electricity customers.

"(7) NEW ELIGIBLE ELECTRICITY SUPPLIER.—The term 'new eligible electricity supplier' means an eligible electricity supplier that did not provide electricity to end-use electricity customers in both of calendar years 2019 and 2020.

"(8) PERFORMANCE YEAR.—The term 'performance year' means the calendar year for which a certification was submitted under subsection (e)(1)(A)(i).

"(9) QUALIFIED CLEAN ELECTRICITY.—The term 'qualified clean electricity' means electricity generated by an electric generating unit, or technology type or class thereof, that has a carbon intensity that is not more than 0.10.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(11) TOTAL ELECTRICITY LOAD.—The term 'total electricity load' means, with respect to an eligible electricity supplier, the total quantity, in megawatt-hours, of electricity provided by the eligible electricity supplier to end-use electricity customers in a calendar year.".

PART 2—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 30421. HOME ENERGY PERFORMANCE-BASED, WHOLE-HOUSE REBATES AND TRAINING GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy (referred to in this section as the "Secretary") 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 institute guidelines for State energy offices to provide rebates to homeowners and aggregators for whole-house energy saving retrofits as authorized under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), which shall be made available as follows:

(1) HOME ON-LINE PERFORMANCE-BASED ENERGY EFFICIENCY (HOPE) CONTRACTOR TRAINING GRANTS.—

(A) IN GENERAL.—$500,000,000 shall be available for the Secretary to award grants to States through the State Energy Program, which shall partner with nonprofit organizations to fund qualifying programs described in subparagraph (B) that provide training courses and opportunities to support home energy efficiency upgrade construction services to train workers, both on-line and in-person, to support and provide for the home energy efficiency retrofits under paragraph (2).

(B) QUALIFYING PROGRAMS.—For the purposes of this paragraph, qualifying programs are programs that—

(i) provide the equivalent of at least 30 hours in total course time;

(ii) are provided by a provider that is accredited by the Interstate Renewable Energy Council or has other accreditation determined to be equivalent by the Secretary;

(iii) are, with respect to a particular job, aligned with the relevant National Renewable Energy Laboratory Job Task Analysis, or other credentialing program foundation that helps identify the necessary core knowledge areas, critical work functions, or skills, as approved by the Secretary;

(iv) have established learning objectives;

(v) include, as the Secretary determines appropriate, an appropriate assessment of such learning objectives that may include a final exam, to be proctored on-site or through remote proctoring, or an in-person field exam; and

(vi) include training related to—

(I) contractor certification;

(II) energy auditing or assessment;

(III) home energy systems (including Energy Star-qualified HVAC systems and Wi-Fi-enabled home energy communications technology, or any future technology that achieves the same goals);

(IV) insulation installation and air leakage control;

(V) health and safety regarding the installation of energy efficiency measures or health and safety impacts associated with energy efficiency retrofits;

(VI) indoor air quality;

(VII) energy efficiency retrofits in manufactured housing; and

(VIII) residential electrification training and conversion training.

(C) STATE ENERGY PROGRAM PROVIDERS.—A State energy office may use not more than 10 percent of the amounts made available to the State energy office under this paragraph to administer a qualifying program described in subparagraph (B), including for the conduct of design and operations activities.

(D) TERMS AND CONDITIONS.—

(i) ELIGIBLE USE OF FUNDS.—Of the amounts made available to a State under this paragraph, 85 percent shall be used by the State—

(I) to support the operations of qualifying programs, including establishing, modifying, or maintaining the online systems, staff time, and software and online program management, through a course that meets the applicable criteria;

(II) to reimburse the contractor company for training costs for employees;

(III) to provide any home technology support needed for an employee to receive training pursuant to this section; and

(IV) to support wages of employees during training.

(ii) TIMING OF OBLIGATIONS.—Amounts made available under this paragraph shall be used, as necessary, to cover or reimburse allowable costs incurred after the date of enactment of this Act.

(iii) UNOBLIGATED AMOUNTS.—Amounts made available under this paragraph which are not accepted, are voluntarily returned, or otherwise recaptured for any reason shall be used to fund grants under paragraph (2).

(2) HOME OWNER MANAGING ENERGY SAVINGS (HOMES) REBATES.—

(A) IN GENERAL.—95 percent of amounts made available under this section shall be available to the Secretary to award grants to State energy offices to establish Home Owner Managing Energy Savings (HOMES) Rebate Programs through the State Energy Program under part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.), in accordance with the formula for the State Energy Program in effect on January 1, 2021.

(B) COORDINATION.—In carrying out this section, the Secretary shall coordinate with State energy offices to ensure that programs that receive awards are formulated to achieve maximum greenhouse gas emissions reductions and household energy and costs savings.

(C) APPLICATION.—In order to receive a grant under this section a State shall submit to the Secretary an application that includes a plan to implement a qualifying State program that includes—

(i) a plan to ensure that each home energy efficiency retrofit under the program—

(I) is completed by a contractor who meets minimum training requirements, certification requirements, and other requirements established by the Secretary; and

(II) includes installation of 1 or more home energy efficiency retrofit measures that are modeled to achieve, or are shown to achieve, the minimum reduction required in home energy use, or with respect to a portfolio of home energy efficiency retrofits, in aggregated home energy use for such portfolio;

(ii) a plan—

(I) to utilize, for purposes of modeled performance home rebates, modeling software, methods, and procedures for determining and documenting the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, that

are approved by the Secretary, that can provide evidence for necessary improvements to a State program, and that can help to calibrate models for accuracy;

(II) to utilize, for purposes of measured performance home rebates, open-source advanced measurement and verification software approved by the Secretary for determining and documenting the monthly and hourly (if available) weather-normalized baseline energy use of a home, the reductions in monthly and hourly (if available) weather-normalized energy use of a home resulting from the implementation of a home energy efficiency retrofit, and open-source advanced measurement and verification software approved by the Secretary; and

(III) to value savings based on time, location, or greenhouse gas emissions;

(iii) procedures for a homeowner to transfer the right to claim a rebate to the contractor performing the applicable home energy efficiency retrofit or to an aggregator, if the State program will utilize aggregators;

(iv) if the State program will utilize aggregators to facilitate delivery of rebates to homeowners or contractors, requirements for an entity to be eligible to serve as an aggregator;

(v) quality monitoring to ensure that each installation that receives a rebate is documented in a certificate, provided by the contractor to the homeowner, that details the work, including information about the characteristics of equipment and materials installed, as well as projected energy savings or energy generation, in a way that will enable the homeowner to clearly communicate the value of the high-performing features funded by the rebate to buyers, real estate agents, appraisers and lenders; and

(vi) a procedure for providing the contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim such rebate with $200 for each home located in an underserved community that receives a home efficiency retrofit for which a rebate is provided under the program.

(D) AMOUNT OF REBATES FOR SINGLE FAMILY AND MULTI-FAMILY HOMES.—Of the amounts provided to a State energy office under this section, 85 percent shall be used to provide Home Owner Managing Energy Savings (HOMES) Rebates to—

(i) individuals and aggregators for the energy efficiency upgrades of single-family homes of not more than 4 units—

(I) $2,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 50 percent of the project cost, whichever is lower;

(II) $4,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 50 percent of the project cost, whichever is lower; or

(III) for measured energy savings, a payment 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, for homes or portfolios of homes that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower;

(ii) multifamily building owners and aggregators for the energy efficiency upgrades of multifamily buildings—

(I) $2,000 per dwelling unit for a retrofit that achieves at least 20 percent modeled energy system savings up a maximum of $200,000 per multifamily building;

(II) $4,000 per dwelling unit for a retrofit that achieves at least 35 percent modeled energy system savings up to a maximum of $400,000 per multifamily building; or

(III) for measured energy savings, a payment rate per kilowatt hours saved, or kilowatt hour-equivalent saves, equal to $2,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower; or

(iii) individuals and aggregators for the energy efficiency upgrades of single family homes of 4 units or less or multifamily buildings that are occupied by residents with an annual income of less than 80 percent of the area median income as published by the Department of Housing and Urban Development—

(I) $4,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 80 percent of the project cost, whichever is lower;

(II) $8,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 80 percent of the project cost, whichever is lower; or

(III) for measured energy savings, a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $4,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 80 percent of the project cost, whichever is lower.

(E) REQUIREMENT.—Not less than 25 percent of the funds provided to a State energy office under this section shall be used for the purposes of each of clauses (i), (ii), and (iii) of subparagraph (D).

(F) ELIGIBILITY OF CERTAIN APPLIANCES.—In calculating total energy savings for single family or multifamily homes under this section, a program may include savings from the purchase of high-efficiency natural gas HVAC systems and water heaters certified under the Energy Star program until the date that is 6 years after the date of enactment of this Act.

(G) PLANNING.—Not to exceed 20 percent of any grant made with funds made available under this paragraph shall be expended for planning and management development and administration.

(H) TECHNICAL ASSISTANCE.—Amounts made available under this paragraph shall be used for single family, multifamily, and manufactured housing rebates and the Secretary shall, in consultation with States, contractors, and other technical experts design support, methodology, and contractor criteria as appropriate for the different building stock.

(I) USE OF FUNDS.—Rebate amounts made available through the High-Efficiency Electric Home Rebate Program established under subsection (b)(1) of section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) (as amended by section 30422 of this subtitle) may be used in conjunction with the funds made available under this section.

(b) DEFINITIONS.—In this section:

(1) AGGREGATOR.—The term "aggregator" means a gas utility, electric utility, or commercial, nonprofit, or government entity that may receive rebates provided under a State program under this section for 1 or more portfolios consisting of 1 or more energy efficiency retrofits.

(2) CONTRACTOR CERTIFICATION.—The term "contractor certification" means—

(A) an industry recognized certification that may be obtained by a residential contractor to advance the expertise and education of the contractor in energy efficiency retrofits of residential buildings; and

(B) any other certification the Secretary determines appropriate for purposes of the HOMES Rebate Program established under subsection (a)(2).

(3) CONTRACTOR COMPANY.—The term "contractor company" means a company—

(A) the business of which is to provide services to residential building owners with respect to HVAC systems, insulation, air sealing, or other services that are approved by the Secretary;

(B) that holds the licenses and insurance required by the State in which the company provides services; and

(C) that provides services for which a rebate may be provided pursuant to the HOMES Rebate Program established under subsection (a)(2).

(4) ENERGY STAR PROGRAM.—The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

(5) HOME.—The term "home" means a building with not more than 4 dwelling units or a manufactured housing unit (including a unit built before June 15, 1976), that—

(A) is located in the United States;

(B) was constructed before the date of enactment of this Act; and

(C) is occupied at least 6 months out of the year.

(6) HVAC SYSTEM.—The term "HVAC system" means a system—

(A) is certified under the Energy Star program;

(B) consisting of a heating component, a ventilation component, and an air-conditioning component; and

(C) the components of which may include central air conditioning, a heat pump, a furnace, a boiler, a rooftop unit, and a window unit.

(7) MULTIFAMILY BUILDING.—The term "multifamily building" means a building with 5 or more dwelling units.

(8) STATE ENERGY OFFICE.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(9) UNDERSERVED COMMUNITY.—The term "underserved community" means—

(A) a community located in a ZIP Code that includes 1 or more census tracts that are identified as—

(i) a low-income community; or

(ii) a community of racial or ethnic minority concentration; or

(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.

SEC. 30422. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

(a) IN GENERAL.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended to read as follows:

"SEC. 124. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.

"(a) APPROPRIATIONS.—

"(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, $3,500,000,000, to remain available until September 30, 2031, to carry out this section, including to provide rebates under this section, of which the Secretary—

"(A) may use not more than $5,000,000 for community and consumer education and outreach related to this section; and

"(B) shall use not more than $300,000,000—

"(i) to administer this section; and

"(ii) to provide administrative and technical support to certified contractor companies, qualified providers, States, and Indian Tribes.

"(2) ADDITIONAL FUNDING FOR TRIBAL COMMUNITIES AND LOW- OR MODERATE-INCOME HOUSEHOLDS.—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, $5,500,000,000, to remain available until September 30, 2031, for—

"(A) rebates under this section relating to qualified electrification projects carried out in Tribal communities or for low- or moderate-income households; and

"(B) any necessary administrative or technical support for those qualified electrification projects.

"(b) HIGH-EFFICIENCY ELECTRIC HOME REBATES FOR QUALIFIED ELECTRIFICATION PROJECTS.—

"(1) HIGH-EFFICIENCY ELECTRIC HOME REBATES.—The Secretary shall establish a program within the Department, to be known as the 'High-Efficiency Electric Home Rebate Program', under which the Secretary shall provide to homeowners and owners of multifamily buildings high-efficiency electric home rebates, in accordance with this subsection, for qualified electrification projects carried out at, or relating to, the homes or multifamily buildings, as applicable.

"(2) AMOUNT OF REBATE.—

"(A) IN GENERAL.—Subject to subsection (c)(1)(A), a high-efficiency electric home rebate under paragraph (1) shall be equal to—

"(i) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump used for water heating, not more than $1,250;

"(ii) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump HVAC system—

"(I)(aa) not more than $3,000 if the heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than $4,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(II)(aa) not more than $1,500 if the heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than $2,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(III) $250, in addition to the amount described in subclause (I) or (II), if a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation, air sealing, and ventilation in accordance with clause (v) is completed within 6 months before or after the qualified electrification project described in that subclause;

"(iii) in the case of a qualified electrification project described in subclause (III) or (IV) of subsection (d)(11)(A)(i), not more than $600;

"(iv) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(I) that installs an electric load or service center panel that enables the installation and use of any upgrade, appliance, system, equipment, infrastructure, component, or other item installed pursuant to any other qualified electrification project, not more than $3,000;

"(v) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation and air sealing, not more than $800; and

"(vi) in the case of any other qualified electrification project, including a qualified electrification project described in any of subclauses (I) through (III) of subsection (d)(11)(A)(ii), for which the Secretary provides a high-efficiency electric home rebate, not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B).

"(B) LIMITATIONS ON AMOUNT OF REBATE.—

"(i) MAXIMUM TOTAL AMOUNT.—Subject to subsection (c)(1)(B), the maximum total amount that may be awarded as high-efficiency electric home rebates under this subsection shall be $10,000 with respect to each home for which a high-efficiency electric home rebate is provided.

"(ii) COSTS.—

"(I) IN GENERAL.—Subject to subsection (c)(1)(C), the amount of a high-efficiency electric home rebate provided to a homeowner under this subsection shall not exceed 50 percent of the total cost of the applicable qualified electrification project.

"(II) LABOR COSTS.—Subject to subsection (c)(1)(C), not more than 50 percent of the labor costs associated with a qualified electrification project may be included in the 50 percent of total costs for which a high-efficiency electric home rebate is provided under this subsection, as described in subclause (I), subject to the condition that labor costs account for not more than 50 percent of the amount of the high-efficiency electric home rebate.

"(3) LIMITATIONS ON QEPS.—

"(A) CONTRACTORS.—A high-efficiency electric home rebate may be provided for a qualified electrification project carried out by a contractor company only if that contractor company is a certified contractor company.

"(B) HEAT PUMP HVAC SYSTEMS.—A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump HVAC system only if the heat pump HVAC system—

"(i) replaces—

"(I) a nonelectric HVAC system;

"(II) an electric resistance HVAC system; or

"(III) an air conditioning unit that—

"(aa) does not have a reversing valve; and

"(bb) has a lower seasonal energy-efficiency ratio than the heat pump HVAC system; or

"(ii) is part of new construction, as determined by the Secretary.

"(C) HEAT PUMPS FOR WATER HEATING.—A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump used for water heating only if the heat pump—

"(i) replaces—

"(I) a nonelectric heat pump water heater;

"(II) a nonelectric water heater; or

"(III) an electric resistance water heater; or

"(ii) is part of new construction, as determined by the Secretary.

"(D) ELECTRIC STOVES, COOKTOPS, RANGES, AND OVENS.—A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(III) only if the applicable electric stove, cooktop, range, or oven—

"(i) replaces a nonelectric stove, cooktop, range, or oven; or

"(ii) is part of new construction, as determined by the Secretary.

"(E) ELECTRIC HEAT PUMP CLOTHES DRYERS.—A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(IV) only if the applicable electric heat pump clothes dryer—

"(i) replaces a nonelectric clothes dryer; or

"(ii) is part of new construction.

"(4) ADDITIONAL INCENTIVES FOR CONTRACTORS AND QUALIFIED PROVIDERS.—

"(A) GENERAL INCENTIVE.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $100 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under any of subparagraphs (B) through (D).

"(B) INCENTIVE FOR QEPS IN CERTAIN COMMUNITIES AND HOUSEHOLDS.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $200 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building that—

"(aa) is located in an underserved community or a Tribal community; or

"(bb) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (C) or (D).

"(C) INCENTIVE FOR CERTAIN LABOR PRACTICES.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $250 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multifamily building; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which—

"(aa) all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality; and

"(bb) the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (D).

"(D) MAXIMUM INCENTIVE.—

"(i) IN GENERAL.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $500 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.—A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multifamily building that—

"(AA) is located in an underserved community or a Tribal community; or

"(BB) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality.

"(E) CLARIFICATION.—An amount provided to a certified contractor company or qualified provider under any of subparagraphs (A) through (D) shall be in addition to the amount of any high-efficiency electric home rebate received by the certified contractor company or qualified provider.

"(5) CLAIM.—

"(A) IN GENERAL.—Subject to paragraph (2)(B), a homeowner, a certified contractor company, or a qualified provider may claim a separate high-efficiency electric home rebate under this subsection for each qualified electrification project carried out at a home.

"(B) TRANSFER.—The Secretary shall establish and publish procedures pursuant to which a homeowner or owner of a multifamily building may transfer the right to claim a rebate under this subsection to the certified contractor company or qualified provider carrying out the applicable qualified electrification project.

"(6) MULTIFAMILY BUILDINGS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the owner of a multifamily building may combine the amounts of high-efficiency electric home rebates for each dwelling unit in the multifamily building into a single rebate, subject to—

"(i) the condition that the applicable qualified electrification projects benefit each dwelling unit with respect to which the rebate is claimed; and

"(ii) any maximum per-dwelling unit rate established by the Secretary.

"(B) COSTS.—

"(i) IN GENERAL.—Subject to clause (ii), the amount of a rebate under subparagraph (A) shall not exceed

50 percent of the total cost, including labor costs, of the applicable qualified electrification projects.

"(ii) LOW- OR MODERATE-INCOME BUILDINGS.—In the case of a multifamily building that is certified by the Secretary as low- or moderate-income, the amount of a rebate under subparagraph (A) shall not exceed 100 percent of the total cost of the applicable qualified electrification projects.

"(C) PROCEDURES.—The Secretary shall establish and publish procedures—

"(i) pursuant to which the owner of a multifamily building may combine rebate amounts in accordance with this subsection; and

"(ii) for the enforcement of any limitations under this subsection.

"(7) PROCESS.—

"(A) REBATE PROCESS.—Not later than July 1, 2022, the Secretary shall establish a rebate processing system that provides immediate price relief for consumers who purchase and have installed qualified electrification projects, in accordance with this section.

"(B) QUALIFIED ELECTRIFICATION PROJECT LIST.—

"(i) IN GENERAL.—Not later than July 1, 2022, the Secretary shall publish a list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection that includes, at a minimum, the qualified electrification projects described in subsection (d)(11)(A).

"(ii) REQUIREMENTS.—The list published under clause (i) shall include specifications for each qualified electrification project included on the list, including—

"(I) appropriate certifications under the Energy Star program; and

"(II) other applicable requirements, such as requirements relating to grid-interactive capability.

"(iii) UPDATES.—

"(I) IN GENERAL.—Not less frequently than once every 3 years and subject to subclause (II), the Secretary shall publish an updated list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection.

"(II) LIMITATION.—An updated list under subclause (I) shall not allow for any reductions in efficiency levels for qualified electrification projects included on the updated list that are below an efficiency level provided in a previously published version of the list.

"(c) SPECIAL PROVISIONS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AND MULTIFAMILY BUILDINGS.—

"(1) MAXIMUM AMOUNTS.—With respect to a qualified electrification project carried out at a location described in paragraph (2)—

"(A) a high-efficiency electric home rebate shall be equal to—

"(i) in the case of a qualified electrification project described in subsection (b)(2)(A)(i), not more than $1,750;

"(ii) in the case of a qualified electrification project described in subsection (b)(2)(A)(ii)—

"(I)(aa) not more than $6,000 if the applicable heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than $7,000 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(II)(aa) not more than $3,000 if the applicable heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than $3,500 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(iii) in the case of a qualified electrification project described in subsection (b)(2)(A)(iii), not more than $840;

"(iv) in the case of a qualified electrification project described in subsection (b)(2)(A)(iv), not more than $4,000;

"(v) in the case of a qualified electrification project described in subsection (b)(2)(A)(v) that installs insulation and air sealing, not more than $1,600; and

"(vi) in the case of a qualified electrification project described in subsection (b)(2)(A)(vi), not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B);

"(B) the maximum total amount of high-efficiency electric home rebates that may be awarded with respect to each home of a homeowner shall be $14,000; and

"(C) the amount of a high-efficiency electric home rebate may be used to cover not more than 100 percent of the costs, including labor costs, of the applicable qualified electrification project.

"(2) LOCATION DESCRIBED.—The maximum amounts described in paragraph (1) shall apply to—

"(A) a home—

"(i) with respect to which the household of the homeowner is certified as low- or moderate-income;

"(ii) that is located in a Tribal community; or

"(iii) in the case of a home that is rented, with respect to which the household of the renter is certified as low- or moderate-income; or

"(B) a multifamily building—

"(i) that—

"(I) is certified as low- or moderate-income; or

"(II) is located in a Tribal community; and

"(ii) with respect to which more than more than ½ of the dwelling units in the multifamily building—

"(I) are occupied by households the annual household incomes of which do not exceed 80 percent of the median annual household income for the area in which the multifamily building is located; and

"(II) have average monthly rental prices that are equal to, or less than, an amount that is equal to 30 percent of the average monthly household income for the area in which the multifamily building is located.

"(3) REQUIREMENT.—The Secretary may provide a rebate in an amount described in paragraph (1) to the owner of a multifamily building or home (in the case of a home that is rented) that meets the requirements of this section if the owner agrees in writing to provide commensurate benefits of future savings to renters in the multifamily building or home.

"(d) DEFINITIONS.—In this section:

"(1) CERTIFIED CONTRACTOR.—The term 'certified contractor' means a contractor with a certification reflecting training, education, or other technical expertise relating to qualified electrification projects for residential buildings, as identified by the Secretary.

"(2) CERTIFIED CONTRACTOR COMPANY.—The term 'certified contractor company' means a company—

"(A) the business of which is to provide services—

"(i) to residential building owners; and

"(ii) for which a rebate may be provided pursuant to this section;

"(B) that holds the licenses and insurance required by the State in which the company provides services; and

"(C) that employs 1 or more certified contractors that perform the services for which a rebate may be provided under this section.

"(3) ELECTRIC LOAD OR SERVICE CENTER UPGRADE.—The term 'electric load or service center upgrade' means an improvement to a circuit breaker panel that enables the installation and use of—

"(A) a QEP described in any of subclauses (II) through (IV) of paragraph (9)(A)(i); or

"(B) a QEP described in any of subclauses (I) through (III) of paragraph (9)(A)(ii).

"(4) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

"(5) HEAT PUMP.—The term 'heat pump' means a heat pump used for water heating, space heating, or space cooling that—

"(A) relies solely on electricity for its source of power; and

"(B) is air-sourced, geothermal- or ground-sourced, or water-sourced.

"(6) HIGH-EFFICIENCY ELECTRIC HOME REBATE.—The term 'high-efficiency electric home rebate' means a rebate provided in accordance with subsection (b).

"(7) HOME.—The term 'home' means each of—

"(A) a building with not more than 4 dwelling units, individual condominium units, or manufactured housing units, that—

"(i) is located in a State; and

"(ii)(I) is the primary residence of—

"(aa) the owner of that building, condominium unit, or manufactured housing unit, as applicable; or

"(bb) a renter; or

"(II) is a new-construction single-family residential home; and

"(B) a unit of a multifamily building that—

"(i) is owned by an individual who is not the owner of the multifamily building;

"(ii) is located in a State, the District of Columbia, or a territory of the United States; and

"(iii) is the primary residence of—

"(I) the owner of that unit; or

"(II) a renter.

"(8) HVAC.—The term 'HVAC' means heating, ventilation, and air conditioning.

"(9) LOW- OR MODERATE-INCOME.—The term 'low - or moderate -income', with respect to a household, means a household—

"(A) with an annual income that is less than 80 percent of the annual median income of the area in which the household is located; or

"(B) that is low-income (as defined in section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862)).

"(10) MULTIFAMILY BUILDING.—The term 'multifamily building' means any building—

"(A) with 5 or more dwelling units that—

"(i) are built on top of one another or side-by-side; and

"(ii) may share common facilities; and

"(B) that is not a home.

"(11) QUALIFIED ELECTRIFICATION PROJECT; QEP.—

"(A) IN GENERAL.—The terms 'qualified electrification project' and 'QEP' mean a project that, as applicable—

"(i) installs, or enables the installation and use of, in a home or multifamily building—

"(I) an electric load or service center upgrade;

"(II) an electric heat pump;

"(III) an induction or noninduction electric stove, cooktop, range, or oven;

"(IV) an electric heat pump clothes dryer; or

"(V) insulation, air sealing, and ventilation, in accordance with requirements established by the Secretary; or

"(ii) installs, or enables the installation and use of, in a home or multifamily building described in subparagraph (B)—

"(I) a solar photovoltaic system, including any electrical equipment, wiring, or other components necessary for the installation and use of the solar photovoltaic system, including a battery storage system;

"(II) electric vehicle charging infrastructure or electric vehicle support equipment necessary to recharge an electric vehicle on-site; or

"(III) electrical rewiring, power sharing plugs, or other installation tasks directly related to and necessary for the safe and effective functioning of a QEP in a home or multifamily building.

"(B) HOME OR MULTIFAMILY BUILDING DESCRIBED.—A home or multifamily building referred to in subparagraph (A)(ii) is a home or multifamily building that is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income.

"(C) EXCLUSIONS.—The terms 'qualified electrification project' and 'QEP' do not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in clause (i) or (ii) of subparagraph (A) is not certified under the Energy Star program if, as of the date on which the project is carried out, the item is of a category for which a certification is provided under that program.

"(12) QUALIFIED PROVIDER.—The term 'qualified provider' means an electric utility, Tribal-owned entity or Tribally Designated Housing Entity (TDHE), or commercial, nonprofit, or government entity, including a retailer and a certified contractor company, that provides services for which a rebate may be provided pursuant to this section for 1 or more portfolios that consist of 1 or more qualified electrification projects.

"(13) SOLAR PHOTOVOLTAIC SYSTEM.—The term 'solar photovoltaic system' means a system—

"(A) placed on-site at a home or multifamily building, or as part of the community of the home or multifamily building; and

"(B) that generates electricity from the sun specifically for the home, multifamily building, or community.

"(14) TRIBAL COMMUNITY.—The term 'Tribal community' means a Tribal tract or Tribal block group.

"(15) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community located in a census tract that is identified by the Secretary as—

"(A) a low- or moderate-income community; or

"(B) a community of racial or ethnic minority concentration.".

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by striking the item relating to section 124 and inserting the following:

"Sec. 124. High-Efficiency Electric Home Rebate Program.".

(2) Section 3201(c)(2)(A)(i) of the Energy Act of 2020 (42 U.S.C. 17232(c)(2)(A)(i)) is amended by striking "(a)" each place it appears.

PART 3—BUILDING EFFICIENCY AND RESILIENCE

SEC. 30431. WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000,000, to remain available until September 30, 2031, to carry out activities under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 through 6872).

(b) FINANCIAL ASSISTANCE FOR WAP ENHANCEMENT AND INNOVATION.—Notwithstanding subsections (j) and (k) of section 414D of the Energy Conservation and Production Act (42 U.S.C. 6864d(j) and (k)), the Secretary shall use $850,000,000 of the amount made available under subsection (a) of this section to award financial assistance under such section 414D, including financial assistance to implement measures to make dwelling units that are occupied by low-income persons weatherization-ready.

(c) AVERAGE COST PER DWELLING UNIT.—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(1) in paragraph (1), by striking "$6,500" and inserting "$12,000"; and

(2) in paragraph (4), by striking "$3,000" and inserting "$6,000".

SEC. 30432. CRITICAL FACILITY MODERNIZATION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,200,000,000, to remain available until September 30, 2031, to carry out a program under which the Secretary of Energy provides funds to States to be used in accordance with subsection (c).

(b) ALLOCATION OF FUNDS.—The Secretary of Energy shall allocate funds made available under subsection (a) to States in accordance with the formula used to allocate Federal financial assistance granted pursuant to section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) (as of January 1, 2021), except that no matching requirement shall apply.

(c) USE OF FUNDS.—

(1) IN GENERAL.—A State that receives funds under this section shall use such funds to—

(A) provide technical assistance for carrying out a covered project;

(B) facilitate carrying out a covered project, including by providing a grant, loan, or other financial assistance to another entity;

(C) carry out a covered project; or

(D) pay for any administrative expenses related to any activity described in subparagraphs (A) through (C).

(2) LIMIT ON TECHNICAL ASSISTANCE.—A State that receives funds under this section may not use more than 10 percent of such funds to provide technical assistance under paragraph (1)(A) related to the development, facilitation, management, oversight, or measurement of results of covered projects.

(d) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term "covered project" means a building project at an eligible facility that—

(A) increases—

(i) the resiliency of an eligible facility, which includes—

(I) making improvements to public health and safety;

(II) mitigating power outages;

(III) hardening against natural disasters;

(IV) improving indoor air quality; and

(V) making any modifications necessitated by the COVID–19 pandemic;

(ii) energy efficiency;

(iii) the use of renewable energy; or

(iv) grid integration; and

(B) may include a combined heat and power, microgrid, or energy storage component.

(2) ELIGIBLE FACILITY.—The term "eligible facility" means any public or nonprofit building, as determined by the Secretary, including—

(A) a public school, including an elementary school and a secondary school;

(B) a facility used to operate an early childhood education program;

(C) the facilities of a local educational agency;

(D) a medical facility;

(E) a local or State government building;

(F) a community facility;

(G) a public safety facility;

(H) a day care center;

(I) an institution of higher education;

(J) a public library; and

(K) a wastewater treatment facility.

(3) PUBLIC OR NONPROFIT BUILDING.—The term "public or nonprofit building" means a public or nonprofit building described in section 362(d)(5)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(5)(B)).

(4) STATE.—The term "State" has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

SEC. 30433. ASSISTANCE FOR LATEST AND ZERO BUILDING ENERGY CODE ADOPTION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2031, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326), of which—

(1) $100,000,000, shall be for grants to assist States, and units of local government that have authority to adopt building codes, to—

(A) 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) 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, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year; and

(2) $200,000,000, shall be for grants to assist States, and units of local government that have authority to adopt building codes, to—

(A) adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

(B) 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.

(b) 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. 1861) shall not apply to assistance provided under this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this section.

PART 4—ZERO EMISSIONS VEHICLE INFRASTRUCTURE BUILDOUT

SEC. 30441. DEFINITIONS.

In this part:

(1) ELECTRIC VEHICLE.—The term "electric vehicle" means a vehicle that derives all or part of its power from electricity.

(2) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—The term "electric vehicle supply equipment" means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, off-grid charging installations, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 30442. ELECTRIC VEHICLE SUPPLY EQUIPMENT REBATE 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, $2,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to establish and carry out a rebate program to provide rebates to eligible entities for covered expenses associated with electric vehicle supply equipment located at workplaces, multi-unit housing structures, and publicly accessible locations.

(b) REBATE PROGRAM REQUIREMENTS.—

(1) ELIGIBLE EQUIPMENT AND LOCATIONS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish and maintain on the Department of Energy internet website a list of electric vehicle supply equipment that is eligible for the rebate program. Such list may include technical specifications and requirements for such electric vehicle supply equipment to enhance safety, cybersecurity, performance, accessibility, and alignment with relevant codes and standards, as determined appropriate by the Secretary.

(B) LOCATION REQUIREMENT.—An eligible entity may receive a rebate under the rebate program only if the electric vehicle supply equipment included on the list published under subparagraph (A) is installed—

(i) in the United States;

(ii) on property—

(I) owned by the eligible entity; or

(II) on which the eligible entity has authority to install electric vehicle supply equipment; and

(iii) at a location that is—

(I) a multi-unit housing structure;

(II) a workplace, and available to employees of such workplace or employees of a nearby workplace; or

(III) publicly accessible, including a publicly accessible commercial location.

(C) PUBLIC ACCESSIBILITY.—For electric vehicle supply equipment not located at a multi-unit housing structure or a workplace, an eligible entity may receive a rebate under the rebate program only if the installed electric vehicle supply equipment is—

(i) publicly accessible for a minimum of 12 hours per day at least 5 days per week; and

(ii) networked or otherwise capable of being monitored remotely.

(2) APPLICATION.—In order to receive a rebate under the rebate program, an eligible entity shall submit to the Secretary an application. Such application shall include—

(A) the estimated cost of covered expenses to be expended on the electric vehicle supply equipment that is eligible under paragraph (1);

(B) the estimated installation cost of the electric vehicle supply equipment that is eligible under paragraph (1);

(C) the global positioning system location, including the integer number of degrees, minutes, and seconds, of where such electric vehicle supply equipment is to be installed, and identification of whether such location is—

(i) a multi-unit housing structure;

(ii) a workplace; or

(iii) publicly accessible, including a publicly accessible commercial location, in accordance with paragraph (1)(C);

(D) the technical specifications of such electric vehicle supply equipment, including the maximum power voltage and amperage of such equipment;

(E) an assessment of the electrical capacity at the location where such electric vehicle supply equipment is to be installed, and, as necessary, proof of communication with the electric utility that will serve the electric vehicle supply equipment to be installed; and

(F) any other information determined by the Secretary to be necessary for a complete application.

(3) FUNDING SET-ASIDES.—Each fiscal year, the Secretary may set aside an amount of funding under the rebate program to ensure, to the extent possible given the applications meeting the requirements of the rebate program submitted, rebates are distributed—

(A) to individuals and small businesses, as determined by the Secretary; and

(B) for electric vehicle supply equipment—

(i) located in rural communities, as determined by the Secretary; and

(ii) located in low-income and disadvantaged communities, as determined by the Secretary.

(4) REBATE AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a rebate made under the rebate program for new electric vehicle supply equipment at a location shall be the lesser of—

(i) 75 percent of the applicable covered expenses;

(ii) $1,000 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;

(iii) $4,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or

(iv) $100,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.

(B) REBATE AMOUNT FOR REPLACEMENT EQUIPMENT.—The amount of a rebate made under the rebate program for replacement of pre-existing electric vehicle supply equipment of similar specifications at a location shall be the lesser of—

(i) 75 percent of the applicable covered expenses;

(ii) $500 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;

(iii) $2,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or

(iv) $35,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.

(5) DISBURSEMENT OF REBATE.—

(A) MATERIALS REQUIRED FOR DISBURSEMENT OF REBATE.—Before a rebate may be disbursed to an eligible entity, such eligible entity shall submit to the Secretary—

(i) a record of payment for covered expenses expended on the installation of the electric vehicle supply equipment that is eligible under paragraph (1);

(ii) a record of payment for the electric vehicle supply equipment that is eligible under paragraph (1);

(iii) the global positioning system location, including the integer number of degrees, minutes, and seconds, of where such electric vehicle supply equipment was installed and identification of whether such location is—

(I) a multi-unit housing structure;

(II) a workplace; or

(III) publicly accessible, including a publicly accessible commercial location, in accordance with paragraph (1)(C);

(iv) the technical specifications of the electric vehicle supply equipment that is eligible under paragraph (1), including the maximum power voltage and amperage of such equipment; and

(v) any other information determined by the Secretary to be necessary.

(B) AGREEMENT TO MAINTAIN.—To be eligible for a rebate under the rebate program, an eligible entity shall enter into an agreement with the Secretary to maintain the electric vehicle supply equipment that is eligible under paragraph (1) in a satisfactory manner, and at the location stated in the application or in the materials submitted under subparagraph (A), as applicable, for not fewer than 5 years after the date on which the eligible entity receives the rebate under the rebate program.

(C) EXCEPTION.—The Secretary may decline to disburse a rebate under the rebate program if materials submitted under subparagraph (A) vary significantly, as determined by the Secretary, from the global positioning system location and technical specifications for the electric vehicle supply equipment that is eligible under paragraph (1) provided in an application under paragraph (2).

(6) MULTI-PORT CHARGERS.—An eligible entity shall be awarded a rebate under the rebate program for covered expenses relating to the purchase and installation of a multi-port charger based on the number of publicly accessible charging ports, with each subsequent port after the first port being eligible for 75 percent of the full rebate amount.

(7) HYDROGEN FUEL CELL REFUELING EQUIPMENT.—Hydrogen fuel cell refueling equipment shall be eligible for a rebate under the rebate program as though it were networked direct current fast charging equipment, and all applicable requirements related to such equipment shall apply.

(8) NETWORKED DIRECT CURRENT FAST CHARGING.—Of amounts appropriated to carry out the rebate program, not more than 40 percent may be used for rebates of networked direct current fast charging equipment or hydrogen fuel cell refueling equipment.

(c) DEFINITIONS.—In this section:

(1) COVERED EXPENSES.—The term "covered expenses" means an expense that is associated with the purchase and installation of electric vehicle supply equipment, including—

(A) the cost of electric vehicle supply equipment;

(B) labor costs associated with the installation of such electric vehicle supply equipment;

(C) material costs associated with the installation of such electric vehicle supply equipment, including expenses borne by rebate recipients for electrical equipment and necessary upgrades or modifications to the electrical grid and associated infrastructure required for the installation of such electric vehicle supply equipment;

(D) permit costs associated with the installation of such electric vehicle supply equipment; and

(E) the cost of an on-site energy storage system that supports electrical load balancing or otherwise improves the performance of such electric vehicle supply equipment.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means an individual, a State, local, Tribal, or Territorial government, a private entity, a not-for-profit entity, a nonprofit entity, or a metropolitan planning organization.

(3) LEVEL 2 CHARGING EQUIPMENT.—The term "level 2 charging equipment" means electric vehicle supply equipment that provides an alternating current power source at a minimum of 208 volts.

(4) MULTI-PORT CHARGER.—The term "multi-port charger" means electric vehicle charging unit capable of charging more than one electric vehicle simultaneously.

(5) NETWORKED DIRECT CURRENT FAST CHARGING EQUIPMENT.—The term "networked direct current fast charging equipment" means electric vehicle supply equipment that is capable of providing a direct current power source at a minimum of 50 kilowatts and is enabled to connect to a network to facilitate data collection and access.

(6) REBATE PROGRAM.—The term "rebate program" means the rebate program established under subsection (a).

SEC. 30443. ELECTRIC VEHICLE CHARGING EQUITY 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, $1,000,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), to carry out this section.

(b) PROGRAM.—The Secretary shall use amounts made available under subsection (a) to establish and carry out a program, to be known as the EV Charging Equity Program, to—

(1) provide technical assistance to eligible entities described in subsection (f);

(2) award grants on a competitive basis to eligible entities described in subsection (f) for projects that increase deployment and accessibility of electric vehicle supply equipment in underserved or disadvantaged communities, including projects that are—

(A) publicly accessible;

(B) located within or are easily accessible to residents of—

(i) public or affordable housing;

(ii) multi-unit dwellings; or

(iii) single-family homes; and

(C) located within or easily accessible to places of work, provided that such electric vehicle supply equipment is accessible no fewer than 5 days per week; and

(3) provide education and outreach regarding the EV Charging Equity Program and the benefits and opportunities for electric vehicle charging to individuals and relevant entities that live within or serve underserved or disadvantaged communities, including by providing—

(A) an electric vehicle charging resource guide that is maintained electronically on a website, is public, and is directed towards individuals and relevant entities that live within or serve underserved or disadvantaged communities;

(B) targeted outreach towards, and coordinated public outreach with, relevant local, State, and Tribal entities, nonprofit organizations, and institutions of higher edu-

cation, that are located within or serve underserved or disadvantaged communities; and

(C) any other form of education or outreach as the Secretary determines appropriate.

(c) COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amount of a grant awarded under this section for a project shall not exceed 80 percent of project costs.

(2) SINGLE-FAMILY HOMES.—The amount of a grant awarded under this section for a project that involves, as a primary focus, single-family homes shall not exceed 60 percent of project costs.

(d) PRIORITY.—In awarding grants and providing technical assistance under this section, the Secretary shall give priority to projects that—

(1) provide the greatest benefit to the greatest number of people within an underserved or disadvantaged community;

(2) incorporate renewable energy resources;

(3) maximize local job creation, particularly among low-income, women, and minority workers; or

(4) utilize or involve locally owned small and disadvantaged businesses, including women and minority-owned businesses.

(e) LIMITATION.—Not more than 15 percent of the amount awarded for grants under this section in a fiscal year shall be awarded for projects that involve, as a primary focus, single-family homes.

(f) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible for a grant or technical assistance under the EV Charging Equity Program, an entity shall be—

(A) an individual or household that is the owner of where a project will be carried out;

(B) a State, local, Tribal, or Territorial government, or an agency or department thereof;

(C) an electric utility, including—

(i) a municipally owned electric utility;

(ii) a publicly owned electric utility;

(iii) an investor-owned utility; and

(iv) a rural electric cooperative;

(D) a nonprofit organization or institution;

(E) a public housing authority;

(F) an institution of higher education, as determined by the Secretary;

(G) an entity that utilizes or involves locally owned small and disadvantaged businesses, including women and minority-owned businesses; or

(H) a partnership between any number of eligible entities described in subparagraphs (A) through (G).

(2) UPDATES.—The Secretary may add to or otherwise revise the list of eligible entities as the Secretary determines necessary.

(g) DEFINITIONS.—In this section:

(1) PUBLICLY ACCESSIBLE.—The term "publicly accessible" means, with respect to electric vehicle supply equipment, electric vehicle supply equipment that is available, at zero or rea-

sonable cost, to members of the public for the purpose of charging a privately owned or leased electric vehicle, or electric vehicle that is available for use by members of the general public as part of a ride service or vehicle sharing service or program, including within or around—

(A) public sidewalks and streets;

(B) public parks;

(C) public buildings, including—

(i) libraries;

(ii) schools; and

(iii) government offices;

(D) public parking;

(E) shopping centers; and

(F) commuter transit hubs.

(2) UNDERSERVED OR DISADVANTAGED COMMUNITY.—The term "underserved or disadvantaged community" means a community or geographic area that is identified as—

(A) a low-income community;

(B) a Tribal community;

(C) having a disproportionately low number of electric vehicle charging stations per capita, compared to similar areas; or

(D) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, environmental, and climate stressors.

SEC. 30444. STATE ENERGY PLANS.

(a) APPROPRIATION.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended to read as follows:

"(f) 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, $500,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), to carry out section 367.".

(b) STATE ENERGY TRANSPORTATION PLANS.—

(1) IN GENERAL.—The Energy Policy and Conservation Act is amended by adding after section 366 (42 U.S.C. 6326) the following:

"SEC. 367. STATE ENERGY TRANSPORTATION PLANS.

"(a) IN GENERAL.—The Secretary may provide financial assistance and technical assistance to a State to develop a State energy transportation plan, for inclusion in a State energy conservation plan under section 362(d), to promote the electrification of the transportation system, reduced consumption of fossil fuels, and reduced energy demand.

"(b) DEVELOPMENT.—A State developing a State energy transportation plan under this section shall carry out this activity through the State energy office that is responsible for developing the State energy conservation plan under section 362.

"(c) CONTENTS.—A State developing a State energy transportation plan under this section shall include in such plan a plan to—

"(1) deploy a network of electric vehicle supply equipment to ensure access to electricity for electric vehicles, including commercial vehicles, to an extent that such electric vehicles can travel throughout the State without running out of a charge; and

"(2) promote modernization of the electric grid, including through the use of renewable energy sources to power the electric grid, to accommodate demand for power to operate electric vehicle supply equipment and to utilize energy storage capacity provided by electric vehicles, including commercial vehicles.

"(d) TECHNICAL ASSISTANCE.—Upon request of the Governor of a State, the Secretary shall provide information and technical assistance in the development, implementation, or revision of a State energy transportation plan.

"(e) ELECTRIC VEHICLE SUPPLY EQUIPMENT DEFINED.—For purposes of this section, the term 'electric vehicle supply equipment' means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, off-grid charging installations, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.".

(2) CONFORMING AMENDMENT.—The table of contents for part D of title III of the Energy Policy and Conservation Act is amended by adding at the end the following:

"Sec. 367. State energy transportation plans.".

(c) STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

"(17) a State energy transportation plan developed in accordance with section 367; and".

SEC. 30445. TRANSPORTATION ELECTRIFICATION.

(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, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031)—

(1) $4,000,000,000 for grants under section 131(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(b)); and

(2) $6,000,000,000 for grants under subsection (b) of this section.

(b) USE OF FUNDS.—The Secretary may use amounts made available under subsection (a)(2) of this section to—

(1) provide grants under subsection (c) of section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) for the conduct of qualified electric transportation projects (as defined in such section 131); and

(2) provide grants in accordance with section 131(c) of such Act for the conduct of any of the following projects:

(A) Installation of electric vehicle supply equipment for recharging plug-in electric drive vehicles, including such equipment that is accessible in rural and urban areas and in underserved or disadvantaged communities and such equipment for medium- and heavy-duty vehicles, including at depots and in-route locations.

(B) Multi-use charging hubs used for multiple forms of transportation.

(C) Medium- and heavy-duty vehicle smart charging management and refueling.

(D) Battery recycling and secondary use, including for medium- and heavy-duty vehicles.

(E) Shipside or shoreside electrification for ground support equipment at ports.

(F) Electric airport ground support vehicles.

(G) Sharing of best practices, and technical assistance provided by the Department of Energy to public utilities commissions and utilities, for medium- and heavy-duty vehicle electrification.

(c) PRIORITY.—In making grants under section 131(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(b)) using amounts made available under subsection (a)(1) of this section, in addition to the priority considerations described in paragraph (3) of such section 131(b), the Secretary shall give priority consideration to applications that are likely to make a significant contribution to the advancement of the production of the components and charging equipment for the vehicles described in paragraph (1) of such section 131(b) in the United States.

PART 5—DOE LOAN AND GRANT PROGRAMS

SEC. 30451. FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary of Energy may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 up to a total principal amount of $30,000,000,000, to remain available until September 30, 2031, except that no commitments shall be made using the authority provided by this section after September 30, 2031: *Provided*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further,* That none of the loan guarantee authority made available by this section shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: *Provided further*, That none of such loan guarantee authority made available by this section shall be available for commitments to guarantee loans for any projects where 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 arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority provided by this section for commitments to guarantee loans for—

(1) projects as a result of such projects benefitting from otherwise allowable Federal tax benefits;

(2) projects as a result of such 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—

(A) paid exclusively in cash;

(B) deposited in the Treasury as offsetting receipts; and

(C) equal to the fair market value as determined by the head of the relevant Federal agency;

(3) projects as a result of such projects benefitting from Federal insurance programs; or

(4) electric generation projects using transmission facilities 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.

(b) APPROPRIATION.—In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005, using the loan guarantee authority provided under subsection (a) of this section, for renewable or energy efficient systems and manufacturing, and distributed energy generation, transmission, and distribution.

(c) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary of Energy shall reserve 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act.

SEC. 30452. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for the costs of—

(1) providing direct loans under subsection (d) of section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013); and

(2) providing direct loans in accordance with such section 136, 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 of the following that emit, under any possible operational mode or condition, zero exhaust emissions of any greenhouse gas:

(A) A medium duty vehicle or a heavy duty vehicle.

(B) A train or locomotive.
(C) A maritime vessel.
(D) An aircraft.
(E) Hyperloop technology.

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve $12,000,000 of amounts made available under subsection (a) for administrative costs of 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. 17013(d)(1)) is amended by striking "a total of not more than $25,000,000,000 in".

SEC. 30453. DOMESTIC MANUFACTURING CONVERSION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for grants relating to domestic production of zero-emission vehicles under section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

(b) ADMINISTRATIVE COSTS.—The Secretary shall reserve 2 percent of amounts made available under subsection (a) for administrative costs of making grants described in such subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

SEC. 30454. ENERGY COMMUNITY 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, $2,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for the cost of providing financial support under section 1706 of the Energy Policy Act of 2005.

(b) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

"SEC. 1706. ENERGY COMMUNITY REINVESTMENT FINANCING PROGRAM.

"(a) ESTABLISHMENT.—Notwithstanding section 1702(f) and section 1703, and not later than 180 days after the date of enactment of this section, the Secretary shall establish a program to provide financial support, in such form and on such terms and conditions as the Secretary determines appropriate, to eligible entities for the purpose of enabling low-carbon reinvestments in energy communities, which such reinvestments may include—

"(1) supporting workers who are or have been engaged in providing, or have been affected by the provision of, energy-intensive goods or services by helping such workers find employment opportunities, including by providing training and education;

"(2) redeveloping a community that is or was engaged in providing, or has been affected by the provision of, energy-intensive goods or services;

"(3) accelerating remediation of environmental damage caused by the provision of energy-intensive goods or services; and

"(4) mitigating the effects on customers of any significant reduction in the carbon intensity of goods or services provided by the eligible entity, including by the cost-effective abatement of greenhouse gas emissions from continuing operations and the repowering, retooling, repurposing, redeveloping, or remediating of any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily to support the provision of energy-intensive goods or services.

"(b) APPLICATION REQUIREMENT.—To apply for financial support provided under this section, 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, which such application shall include—

"(1) a detailed plan describing the activities to be carried out in accordance with subsection (a), including activities for the measurement, monitoring, and verification of emissions of greenhouse gases; and

"(2) if the eligible entity is a utility subject to regulation by a State commission or other State regulatory authority, assurances, as determined appropriate by the Secretary, that such eligible entity shall pass through any financial benefit from the provision of any financial support under this section to its customers or energy communities.

"(c) OTHER REQUIREMENTS.—

"(1) FEES.—Notwithstanding section 1702(h)(1), the Secretary shall charge and collect a fee from each eligible entity that received financial support provided under this section in an amount the Secretary determines sufficient to cover applicable administrative expenses (including any costs associated with third party consultants engaged by the Secretary).

"(2) USE OF APPROPRIATED FUNDS.—Any cost for any financial support provided under this section shall be paid by the Secretary using appropriated funds.

"(3) APPLICATION OF OTHER LAW.—Section 20320(a) of division B of Public Law 109-289 (42 U.S.C. 16515(a)) shall not apply to this section.

"(d) DEFINITIONS.—In this section:

"(1) COST; DIRECT LOAN.—The terms 'cost' and 'direct loan' have the meanings given such terms in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that is directly affiliated with the provision of energy-intensive goods or services.

"(3) ENERGY COMMUNITY.—The term 'energy community' means a community whose members are or were engaged in providing, or have been affected by the provision of, energy-intensive goods and services.

"(4) FINANCIAL SUPPORT.—The term 'financial support' means any credit product or support the Secretary determines appropriate to implement this section, including—

"(A) a direct loan;

"(B) a line of credit; and

"(C) a guarantee, including of a letter of credit for the purposes of subsection (a)(3).

"(5) GUARANTEE.—The term 'guarantee' has the meaning given such term in section 1701.".

PART 6—ELECTRIC TRANSMISSION

SEC. 30461. TRANSMISSION LINE AND INTERTIE GRANTS AND LOANS.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $8,000,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), for purposes of providing grants and direct loans under subsection (b), and for administrative expenses associated with carrying out this section: *Provided*, That none of such loan authority made available by this section shall be available for loans for any projects where 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 arrangements to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan authority provided by this section for commitments to loans for: (1) projects benefitting from otherwise allowable Federal tax benefits; (2) 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: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) projects benefitting from Federal insurance programs; or (4) electric generation projects using transmission facilities 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: *Provided further*, That none of the loan authority made available by this section shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan and the project comply with the provisions under this section.

(2) LIMIT.—Not more than $1,000,000,000 of the amount appropriated under paragraph (1) may be used to pay for the costs of providing direct loans under subsection (b).

(b) IN GENERAL.—Except as provided in subsection (c), the Secretary of Energy may provide grants and direct loans to eligible entities to construct new, or make upgrades to existing, eligible transmission lines or eligible interties, including the related facilities

thereof, if the Secretary of Energy determines that such construction or upgrade would support—

(1) a more robust and resilient electric grid; and

(2) the integration of electricity from a clean energy facility into the electric grid.

(c) OTHER REQUIREMENTS.—

(1) INTEREST RATES.—The Secretary of Energy shall determine the rate of interest to charge on direct loans provided under subsection (b) by taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date the loan is disbursed.

(2) TERMS AND CONDITIONS.—In providing direct loans under subsection (b), the Secretary may require such terms and conditions the Secretary determines appropriate.

(3) RECOVERY OF COSTS FOR GRANTS.—A grant provided under this section may not be used to construct new, or make upgrades to existing, eligible transmission lines or eligible interties if the costs for such construction or upgrade are approved for recovery through a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)).

(d) DEFINITIONS.—In this section:

(1) CLEAN ENERGY FACILITY.—The term "clean energy facility" means any electric generating unit that does not emit carbon dioxide.

(2) DIRECT LOAN.—The term "direct loan" means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms.

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a non-Federal entity.

(4) ELIGIBLE INTERTIE.—The term "eligible intertie" means—

(A) any interties across the seam between the Western Interconnection and the Eastern Interconnection;

(B) the Pacific Northwest-Pacific Southwest Intertie;

(C) any interties between the Electric Reliability Council of Texas and the Western Interconnection or the Eastern Interconnection; or

(D) such other interties that the Secretary determines contribute to—

(i) a more robust and resilient electric grid; and

(ii) the integration of electricity from a clean energy facility into the electric grid.

(5) ELIGIBLE TRANSMISSION LINE.—The term "eligible transmission line" means an electric power transmission line that—

(A) in the case of new construction under subsection (b), has a transmitting capacity of not less than 1,000 megawatts;

(B) in the case of an upgrade made under subsection (b), the upgrade to which will increase its transmitting capacity by not less than 500 megawatts; and

(C) is capable of transmitting electricity—

(i) across any eligible intertie;

(ii) from an offshore wind generating facility; or

(iii) along a route, or in a corridor, determined by the Secretary of Energy to be necessary to meet interregional or national electricity transmission needs.

SEC. 30462. GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $800,000,000, to remain available until September 30, 2031 (provided no funds shall be disbursed after such date), 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 siting 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, including the environmental, reliability, wildlife, cultural, historical, water, land-use, public health, employment, tax-revenue, market, cost, and rate regulation impacts.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Hosting and facilitation of negotiations in settlement meetings involving the siting authority, the covered transmission project applicant, and opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the siting 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.

(E) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting 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 siting authority, or 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.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.—In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating 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 authorizes an extension for good cause.

(2) FEDERAL SHARE.—The Federal share of the cost of an activity described in subparagraph (D) or (E) 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 siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.—If a siting 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 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 electricity transmission line—

(A) that is proposed to be constructed and to operate at a minimum of 275 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 entity.

SEC. 30463. ORGANIZED WHOLESALE ELECTRICITY MARKET TECHNICAL ASSISTANCE 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, $100,000,000, to remain available until fiscal year 2031 (except that no funds shall be disbursed after September 30, 2031), for purposes of providing technical assistance and grants under subsection (b).

(b) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary shall use amounts made available under subsection (a) to—

(1) provide grants to States to pay for—

(A) technical assistance for any of the activities described in subsection (c); or

(B) the procurement of data or technology systems related to any of the activities described in subsection (c); and

(2) provide technical assistance for the activities described in subsection (c).

(c) ACTIVITIES.—The activities described in this subsection are—

(1) forming, expanding, or improving an organized wholesale electricity market, including with respect to—

(A) market governance assistance;

(B) planning and policy assistance; and

(C) regulatory development assistance;

(2) aligning the policies of an organized wholesale electricity market with relevant State policies; and

(3) evaluating the economic, operational, reliability, environmental, and other benefits of organized wholesale electricity markets.

(d) APPLICATIONS.—

(1) IN GENERAL.—To apply for technical assistance or a grant provided under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) GRANTS.—An application for a grant submitted under paragraph (1) shall certify how the State will use the grant in accordance with subsection (b).

(e) PRIORITY.—In evaluating applications submitted under subsection (c), the Secretary shall give priority to applications that are submitted by more than one State.

(f) DEFINITIONS.—In this section:

(1) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms "Independent System Operator" and "Regional Transmission Organization" have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ORGANIZED WHOLESALE ELECTRICITY MARKET.—The term "organized wholesale electricity market" means an Independent System Operator or a Regional Transmission Organization.

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(4) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.

SEC. 30464. INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after such date), to carry out this section.

(b) USE OF FUNDS.—The Secretary of Energy shall use amounts made available under subsection (a) to—

(1) pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, environmental organizations, Indian Tribes, and other stakeholders the Secretary determines appropriate, to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) conduct planning, modeling, and analysis 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 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;

(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 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 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; and

(K) evaluation of existing rights-of-way and the need for additional transmission corridors.

PART 7—ENVIRONMENTAL REVIEWS

SEC. 30471. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2031 (except that no amounts may be disbursed after September 30, 2031), to provide for more

efficient and more effective environmental reviews under the National Environmental Policy Act of 1969 through the hiring and training of additional personnel, the development of programmatic assessments or templates, the procurement of technical or scientific services, the development of data or technology systems, stakeholder and community engagement, and the purchase of new equipment.

SEC. 30472. FEDERAL ENERGY REGULATORY COMMISSION.

In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031 (except that no amounts may be disbursed after September 30, 2031), to provide for more efficient and more effective environmental reviews under the National Environmental Policy Act of 1969 through the hiring and training of additional personnel, the development of programmatic assessments or templates, the procurement of technical or scientific services, the development of data or technology systems, stakeholder and community engagement, and the purchase of new equipment.

PART 8—OTHER ENERGY MATTERS

SEC. 30481. FEDERAL ENERGY EFFICIENCY FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $17,500,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to provide grants to agencies to assist them in meeting the requirements of section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) or to assist agencies in reducing the carbon emissions of new or existing Federal buildings and Federal fleets.

(b) USE OF FUNDS.—The Secretary shall use the funds made available pursuant to subsection (a) to provide grants to agencies pursuant to section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)), and to establish a program to provide competitive grants to agencies, to carry out projects for onsite or offsite measures that—

(1) are applied to or serve a Federal building or Federal fleet; and

(2) involve energy conservation, cogeneration facilities, renewable energy sources, low carbon materials, improvements in operations and maintenance efficiencies, retrofit activities, automotive supply equipment, building electrification, energy storage devices, energy consuming devices and required support structures, or carbon-pollution free electricity.

(c) CONSIDERATIONS.—In providing grants under subsection (b), the Secretary may consider—

(1) the cost-effectiveness of the project;

(2) the extent to which a project promotes the integration of clean energy, carbon pollution-free electricity, low carbon mate-

rials, automotive supply equipment, and such other onsite or offsite measures as the Secretary determines to be appropriate;

(3) the amount of energy and cost savings anticipated to the Federal Government;

(4) the amount of funding committed to the project by the agency requesting the grant;

(5) the extent that a proposal leverages financing from other non-Federal sources; and

(6) any other factor which the Secretary determines is in furtherance of this section.

(d) DEFINITIONS.—In this section:

(1) AUTOMOTIVE SUPPLY EQUIPMENT.—The term "automotive supply equipment" means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.

(2) LOW CARBON MATERIAL.—The term "low carbon material" means any material for which the quantity of greenhouse gases (measured in kilograms of carbon dioxide equivalent) emitted to the atmosphere by the manufacture, transportation, installation, maintenance, and disposal of the material is significantly lower than such quantity for another, similar material, as measured and reported in an environmental product declaration.

SEC. 30482. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy 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 (except that no funds shall be disbursed after September 30, 2031), to carry out the Energy Efficiency and Conservation Block Grant Program established under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)), of which—

(1) $2,500,000,000 shall be distributed in accordance with section 543 of such Act (42 U.S.C. 17153); and

(2) $2,5000,000,000 shall be awarded to eligible entities on a competitive basis.

(b) PROGRAM.—In carrying out subsection (a), in addition to providing assistance described in section 542(b)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(b)(1)), the Secretary may also provide assistance to eligible entities for implementing strategies to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in a manner that diversifies energy supplies, including by facilitating and promoting the use of alternative fuels.

(c) USE OF FUNDS.—In carrying out subsection (a), for purposes of section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154), the Secretary may also consider to be activities that achieve the purposes of the Energy Efficiency and Conservation Block Grant Program—

(1) the deployment of energy distribution technologies that significantly increase energy efficiency or expand access to alternative fuels, including distributed resources, district heating and cooling systems, and infrastructure for delivering alternative fuels; and

(2) programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) capital investments, projects, and programs—

(A) which may include loan programs and performance contracting programs for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures; or

(B) which may be used or implemented in connection with buildings owned and operated by a State, a political subdivision of a State, an agency or instrumentality of a State, or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(d) COMPETITIVE GRANTS.—In carrying out subsection (a), for purposes of section 546(c)(2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17156(c)(2)), the Secretary may give priority to units of local government that plan to carry out projects to expand the use of alternative fuels that would result in significant energy efficiency improvements or reductions in fossil fuel use.

(e) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (a), the Secretary shall reserve 10 percent for administrative expenses to carry out this section.

(f) TECHNICAL AMENDMENTS.—Section 543 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153) is amended—

(1) in subsection (c), by striking "subsection (a)(2)" and inserting "subsection (a)(3)"; and

(2) in subsection (d), by striking "subsection (a)(3)" and inserting "subsection (a)(4)".

SEC. 30483. LOW-INCOME SOLAR.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to carry out this section.

(b) IN GENERAL.—The Secretary shall use funds appropriated by subsection (a) to provide financial assistance to eligible entities to—

(1) carry out eligible planning projects; or

(2) carry out eligible installation projects.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, 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.

(2) INCLUSION FOR INSTALLATION ASSISTANCE.—For an eligible entity to receive assistance for an eligible installation project, the Secretary shall require the eligible entity to include in an application under paragraph (1)—

(A) information that demonstrates that the eligible entity has obtained, or has the capacity to obtain, necessary permits, subscribers, access to an installation site, and any other items or agreements necessary to complete the installation of the applicable covered facility;

(B) information that demonstrates that the covered facility installed using such assistance will comply with local building and safety codes and standards;

(C) a description of the mechanism through which financial benefits will be distributed to beneficiaries or subscribers; and

(D) an estimate of the anticipated financial benefit for beneficiaries or subscribers.

(3) CONSIDERATION OF PLANNING PROJECTS.—The Secretary may consider the completion of an eligible planning project pursuant to subsection (b)(1) by the eligible entity to be sufficient to demonstrate the ability of the eligible entity to meet the requirements of paragraph (2)(A).

(d) SELECTION.—

(1) IN GENERAL.—In selecting eligible projects to receive assistance under this section, the Secretary shall—

(A) prioritize—

(i) eligible installation projects that will result in the most financial benefit for beneficiaries, as determined by the Secretary;

(ii) eligible installation projects that will result in development of covered facilities in underserved areas; and

(iii) eligible projects that include apprenticeship, job training, or community participation as part of their application; and

(B) ensure that such assistance is provided in a manner that results in eligible projects being carried out on a geographically diverse basis within and among States.

(2) DETERMINATION OF FINANCIAL BENEFIT.—In determining the amount of financial benefit for low-income households of an eligible installation project, the Secretary shall ensure that all calculations for estimated household energy savings are based solely on electricity offsets from the applicable covered facility and use formulas established by the State or local government with jurisdiction over the applicable covered facility for verifiable household energy savings estimates that accrue to low-income households.

(e) ASSISTANCE.—

(1) FORM.—The Secretary may provide assistance under this section in the form of a grant, rebate, or low-interest loan.

(2) MULTIPLE PROJECTS FOR SAME FACILITY.—

(A) IN GENERAL.—An eligible entity may apply for assistance under this section for an eligible planning project and

an eligible installation project for the same covered facility.

(B) SEPARATE SELECTIONS.—Selection by the Secretary for assistance under this section of an eligible planning project does not require the Secretary to select for assistance under this section an eligible installation project for the same covered facility.

(f) USE OF ASSISTANCE.—

(1) ELIGIBLE PLANNING PROJECTS.—An eligible entity receiving assistance for an eligible planning project under this section may use such assistance to pay the costs of pre-installation activities associated with an applicable covered facility, including—

(A) feasibility studies;

(B) permitting;

(C) site assessment;

(D) identification of beneficiaries or subscribers; or

(E) such other costs determined by the Secretary to be appropriate.

(2) ELIGIBLE INSTALLATION PROJECTS.—An eligible entity receiving assistance for an eligible installation project under this section may use such assistance to pay the costs of—

(A) installation and operation of a covered facility, including costs associated with materials, permitting, labor, or site preparation;

(B) storage technology sited at a covered facility;

(C) interconnection service expenses;

(D) offsetting the cost of a subscription for a covered facility described in subsection (h)(4)(A) for subscribers that are members of a low-income household; or

(E) such other costs determined by the Secretary to be appropriate.

(g) USE OF FUNDS.—Of the funds appropriated by this section, the Secretary shall use not less than 85 percent to provide assistance for eligible installation projects.

(h) DEFINITIONS.—In this section:

(1) BENEFICIARY.—The term "beneficiary" means a low-income household that receives a financial benefit from the installation and operation of a covered facility.

(2) COMMUNITY SOLAR FACILITY.—The term "community solar facility" means a solar generating facility that—

(A) has multiple subscribers that receive financial benefits that are directly attributable to the facility; and

(B) has a nameplate rating of 5 megawatts AC or less.

(3) COMMUNITY SOLAR SUBSCRIPTION.—The term "community solar subscription" means a share in the capacity, or a proportional interest in the electricity generation, of a community solar facility.

(4) COVERED FACILITY.—The term "covered facility" means—

(A) a community solar facility at least 50 percent of the capacity of which is reserved for low-income households;

(B) a solar generating facility located at a residence of a low-income household; or

(C) a solar generating facility located at a multi-family affordable housing complex.

(5) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a nonprofit organization that provides services to low-income households or multi-family affordable housing complexes;

(B) a developer, owner, or operator of a covered facility;

(C) a State, or political subdivision thereof;

(D) an Indian Tribe, tribally owned electric utility, or tribal energy development organization;

(E) a Native Hawaiian community-based organization;

(F) any other national or regional entity that has experience developing or installing solar generating facilities for low-income households that maximize financial benefits to those households; and

(G) an electric cooperative or a municipality that is an electric utility (as such terms are defined in section 3 of the Federal Power Act).

(6) ELIGIBLE INSTALLATION PROJECT.—The term "eligible installation project" means a project to install and operate a covered facility.

(7) ELIGIBLE PLANNING PROJECT.—The term "eligible planning project" means a project to carry out pre-installation activities for the development of a covered facility.

(8) ELIGIBLE PROJECT.—The term "eligible project" means—

(A) an eligible planning project; or

(B) an eligible installation project.

(9) FEASIBILITY STUDY.—The term "feasibility study" means a study or assessment that determines the feasibility of a specific solar generating facility, including a customer interest assessment and a siting assessment, as determined by the Secretary.

(10) INDIAN TRIBE.—The term "Indian Tribe" means any Indian Tribe, band, nation, Tribal Organization, or other organized group or community, including any Alaska Native village, Regional Corporation, or Village Corporation, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(11) INTERCONNECTION SERVICE.—The term "interconnection service" has the meaning given such term in section 111(d)(15) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(15)).

(12) LOW-INCOME HOUSEHOLD.—The term "low-income household" means a household with an income that—

(A) is at or below 80 percent of the area median income, or 200 percent of the Federal poverty level, whichever is higher, except that the Secretary may establish a higher level if the Secretary determines that such a higher level is necessary to carry out the purposes of this section; or

(B) if the State in which the household is located elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621

et seq.), provided that such basis is at least 200 percent of the Federal poverty level.

(13) MULTI-FAMILY AFFORDABLE HOUSING COMPLEX.—The term "multi-family affordable housing complex" means any federally subsidized affordable housing complex in which at least 50 percent of the units are reserved for low-income households.

(14) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term "Native Hawaiian community-based organization" means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

(15) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(16) SOLAR GENERATING FACILITY.—The term "solar generating facility" means—

(A) a generator that creates electricity from photons; and

(B) the accompanying hardware enabling that electricity to flow—

(i) onto the electric grid;

(ii) into a facility or structure; or

(iii) into an energy storage device.

(17) STATE.—The term "State" means each of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

(18) SUBSCRIBER.—The term "subscriber" means a person who—

(A) owns a community solar subscription, or an equivalent unit or share of the capacity or generation of a community solar facility; or

(B) is a member of a low-income household that financially benefits from a community solar facility, even if the person does not own a community solar subscription for the facility.

(19) UNDERSERVED AREA.—The term "underserved area" means—

(A) a geographical area with low or no photovoltaic solar deployment, as determined by the Secretary;

(B) a geographical area that has low or no access to electricity, as determined by the Secretary;

(C) a geographical area with a high energy burden, as determined by the Secretary; or

(D) trust land, as defined in section 3765 of title 38, United States Code.

SEC. 30484. OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

Subtitle F—Affordable Health Care Coverage

SEC. 30601. 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 2023 and 2024, whose household income does not exceed 400 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 new sentence: "In the case of an individual with a household income that does not exceed 138 percent of the poverty line for a family of the size involved for any month occurring during the period beginning on January 1, 2022, and ending on December 31, 2022, such individual shall, for such month and for each succeeding month during such period, be treated as having household income equal to 100 percent for purposes of applying this section."; and

(2) in subsection (c)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by inserting ", with respect to eligible insureds (other than, with respect to plan years 2023 and 2024, specified enrollees (as defined in paragraph (6)(C)))," after "first be achieved";

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting "with respect to eligible insureds (other than, with respect to plan years 2023 and 2024, specified enrollees)" after "under the plan";

(C) in paragraph (3)—

(i) 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 2023 and 2024 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 benefits provided under the plan to 99 percent 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 made 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 each such plan to specified enrollees during plan years 2023 and 2024.

"(ii) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).

"(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term 'specified enrollee' means, with respect to a month occurring during a plan year, an eligible insured with a household income that does not exceed 138 percent of the poverty line for a family of the size involved during such month. Such insured shall be deemed to be a specified enrollee for each succeeding month in such plan year.".

(b) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end "and";

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

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

"(E) with respect to a qualified health plan with respect to which section 1402 applies, for months occurring during the period beginning on January 1, 2022, and ending on December 31, 2024, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph."; and

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

"(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—

"(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

"(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

"(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

"(ii) who is not 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 such section.".

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2024.—Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (C)(iv), by striking the period and inserting "; and"; and

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

"(D) provides, with respect to a plan offered in the silver level of coverage to which section 1402 applies during plan year 2024, for benefits described in paragraph (5) in the case of an individual who, for a month during such plan year, has a household income 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

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

"(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2024.—

"(A) IN GENERAL.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of non-emergency medical transportation services (as described in section 1902(a)(4)) and services described in subsection (a)(4)(C) of section 1905 of the Social Security Act, without any restriction on the choice of a qualified provider from whom such an individual so enrolled in such plan may receive such services described in such subsection, and without any imposition of cost sharing, which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

"(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 individuals described in paragraph (1)(D) during plan year 2024 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 clause (i).".

(d) EDUCATION AND OUTREACH ACTIVITIES.——

(1) IN GENERAL.—Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

"(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

"(A) IN GENERAL.—In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not

expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

"(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 subparagraph (B):

"(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

"(ii) Such term includes the following:

"(I) An association health plan.

"(II) Short-term limited duration insurance.

"(D) FUNDING.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, $15,000,000 for fiscal year 2022, and $30,000,000 for each of fiscal years 2023 and 2024, to carry out this paragraph.".

(2) NAVIGATOR PROGRAM.—Section 1311(i)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)(6)) is amended—

(A) by striking "FUNDING.—Grants under" and inserting "FUNDING.—

"(A) STATE EXCHANGES.—Grants under"; and

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

"(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 1321(c), the Secretary shall obligate $10,000,000 out of amounts collected through the user fees on 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 $20,000,000 for each of fiscal years 2023 and 2024. Such amount so obligated for a fiscal year shall remain available until expended.".

SEC. 30602. TEMPORARY EXPANSION OF HEALTH INSURANCE PREMIUM TAX CREDITS FOR CERTAIN LOW-INCOME POPULATIONS.

(a) IN GENERAL.—Section 36B is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) CERTAIN TEMPORARY RULES FOR 2022 THROUGH 2024.—With respect to any taxable year beginning after December 31, 2021, and before January 1, 2025—

"(1) ELIGIBILITY FOR CREDIT NOT LIMITED BASED ON INCOME.—Section 36B(c)(1)(A) shall be disregarded in determining whether a taxpayer is an applicable taxpayer.

"(2) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED EMPLOYER-PROVIDED COVERAGE.—Subclause (II) of subsection (c)(2)(C)(i) shall not apply if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved. The last sentence of such subsection shall also apply for purposes of this paragraph. Subclause (II) of subsection (c)(2)(C)(i) shall also not apply to an individual described in the last sentence of such subsection if the taxpayer's household income does not exceed 138 percent of the poverty line for a family of the size involved.

"(3) CREDIT ALLOWED TO CERTAIN LOW-INCOME EMPLOYEES OFFERED QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—A qualified small employer health reimbursement arrangement shall not be treated as constituting affordable coverage for an employee (or any spouse or dependent of such employee) for any months of a taxable year if the employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

"(4) LIMITATIONS ON RECAPTURE.—

"(A) IN GENERAL.—In the case of a taxpayer whose household income is less than 200 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subsection (f)(2)(A) shall in no event exceed $300 (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

"(B) LIMITATION ON INCREASE FOR CERTAIN NON-FILERS.—In the case of any taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to reconcile advance credit payments under subsection (f), if an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that—

"(i) such taxpayer is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

"(ii) such taxpayer's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved,

subsection (f)(2)(A) shall not apply to such taxpayer for such taxable year and such taxpayer shall not be required to file such return of tax.

"(C) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an Exchange to the Secretary and to the taxpayer under subsection (f)(3) shall include such information as is necessary to determine whether such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.".

(b) EMPLOYER SHARED RESPONSIBILITY PROVISION NOT APPLICABLE WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS RECEIVING PREMIUM ASSISTANCE.—Section 4980H(c)(3) is amended to read as follows:

"(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—

"(A) IN GENERAL.—The term 'applicable premium tax credit and cost-sharing reduction' means—

"(i) any premium tax credit allowed under section 36B,

"(ii) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

"(iii) any advance payment of such credit or reduction under section 1412 of such Act.

"(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before January 1, 2025) with respect to which—

"(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee's household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved, or

"(ii) such employee's household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 30603. ESTABLISHING A HEALTH INSURANCE AFFORDABILITY FUND.

(a) IN GENERAL.—Subtitle D of title I of the Patient Protection and Affordable Care Act is amended by inserting after part 5 (42 U.S.C. 18061 et seq.) the following new part:

"PART 6—IMPROVE HEALTH INSURANCE AFFORDABILITY FUND

"SEC. 1351. ESTABLISHMENT OF PROGRAM.

"There is hereby established the 'Improve Health Insurance Affordability Fund' to be administered by the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the 'Administrator'), to provide funding, in accordance with this part,

to the 50 States and the District of Columbia (each referred to in this section as a 'State') beginning on January 1, 2023, for the purposes described in section 1352.

"SEC. 1352. USE OF FUNDS.

"(a) IN GENERAL.—A State shall use the funds allocated to the State under this part for one of the following purposes:

"(1) To provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage (other than through a plan described in subsection (b)) offered by such issuers.

"(2) To provide assistance (other than through payments described in paragraph (1)) to reduce out-of-pocket costs, such as copayments, coinsurance, premiums, and deductibles, of individuals enrolled under qualified health plans offered on the individual market through an Exchange and of individuals enrolled under standard health plans offered through a basic health program established under section 1331.

"(b) EXCLUSION OF CERTAIN GRANDFATHERED PLANS, TRANSITIONAL PLANS, STUDENT HEALTH PLANS, AND EXCEPTED BENEFITS.—For purposes of subsection (a), a plan described in this subsection is the following:

"(1) A grandfathered health plan (as defined in section 1251).

"(2) A plan (commonly referred to as a 'transitional plan') continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, February 13, 2017, April 9, 2018, March 25, 2019, January 31, 2020, and January 19, 2021, or under any subsequent extensions thereof.

"(3) Student health insurance coverage (as defined in section 147.145 of title 45, Code of Federal Regulations, or any successor regulation).

"(4) Excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

"SEC. 1353. STATE ELIGIBILITY AND APPROVAL; DEFAULT SAFEGUARD.

"(a) ENCOURAGING STATE OPTIONS FOR ALLOCATIONS.—

"(1) IN GENERAL.—Subject to subsection (b), to be eligible for an allocation of funds under this part for a year (beginning with 2023), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2023, not later than 120 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than January 1 of the previous year) and in such form and manner as specified by the Administrator containing—

"(A) a description of how the funds will be used; and

"(B) such other information as the Administrator may require.

"(2) AUTOMATIC APPROVAL.—An application so submitted is approved (as outlined in the terms of the plan) unless the Administrator notifies the State submitting the application, not later than 90 days after the date of the submission of such application, that the application has been denied for not being in compliance with any requirement of this part and of the reason for such denial.

"(3) 5-YEAR APPLICATION APPROVAL.—If an application of a State is approved for a purpose described in section 1352 for a year, such application shall be treated as approved for such purpose for each of the subsequent 4 years.

"(4) OVERSIGHT AUTHORITY AND AUTHORITY TO REVOKE APPROVAL.—

"(A) OVERSIGHT.—The Secretary may conduct periodic reviews of the use of funds provided to a State under this section, with respect to a purpose described in section 1352, to ensure the State uses such funds for such purpose and otherwise complies with the requirements of this section.

"(B) REVOCATION OF APPROVAL.—The approval of an application of a State, with respect to a purpose described in section 1352, may be revoked if the State fails to use funds provided to the State under this section for such purpose or otherwise fails to comply with the requirements of this section.

"(b) DEFAULT FEDERAL SAFEGUARD FOR 2023 AND 2024 FOR CERTAIN STATES.—

"(1) IN GENERAL.—For 2023 and 2024, in the case of a State described in paragraph (5), with respect to such year, the State shall not be eligible to submit an application under subsection (a), and the Administrator, in consultation with the applicable State authority, shall from the amount calculated under paragraph (3) for such year, carry out the purpose described in paragraph (2) in such State for such year.

"(2) SPECIFIED USE.—The amount described in paragraph (3), with respect to a State described in paragraph (5) for 2023 or 2024, shall be used to carry out the purpose described in section 1352(a)(1) in such State for such year, as applicable, by providing reinsurance payments to health insurance issuers with respect to attachment range claims (as defined in section 1354(b)(2), using the dollar amounts specified in subparagraph (B) of such section for such year) in an amount equal to, subject to paragraph (4), the percentage (specified for such year by the Secretary under such subparagraph) of the amount of such claims.

"(3) AMOUNT DESCRIBED.—The amount described in this paragraph, with respect to 2023 or 2024, is the amount equal to the total sum of amounts that the Secretary would otherwise estimate under section 1354(b)(2)(A)(i) for such year for each State described in paragraph (5) for such year, as applicable, if each such State were not so described for such year.

"(4) ADJUSTMENT.—For purposes of this subsection, the Secretary may apply a percentage under paragraph (3) with respect to a year that is less than the percentage otherwise speci-

fied in section 1354(b)(2)(B) for such year, if the cost of paying the total eligible attachment range claims for States described in paragraph (5) for such year at such percentage otherwise specified would exceed the amount calculated under paragraph (3) for such year.

"(5) STATE DESCRIBED.—A State described in this paragraph, with respect to years 2023 and 2024, is a State that, as of January 1 of 2022 or 2023, respectively, was not expending amounts under the State plan (or waiver of such plan) for all individuals described in section 1902(a)(10)(A)(i)(VIII) during such year.

"SEC. 1354. ALLOCATIONS.

"(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $10,000,000,000 for 2023 and each subsequent year to provide allocations for States under subsection (b) and payments under section 1353(b) .

"(b) ALLOCATIONS.—

"(1) PAYMENT.—

"(A) IN GENERAL.—From amounts appropriated under subsection (a) for a year, the Secretary shall, with respect to a State not described in section 1353(b) for such year and not later than the date specified under subparagraph (B) for such year, allocate for such State the amount determined for such State and year under paragraph (2).

"(B) SPECIFIED DATE.—For purposes of subparagraph (A), the date specified in this subparagraph is—

"(i) for 2023, the date that is 90 days after the date of the enactment of this part; and

"(ii) for 2024 or a subsequent year, January 1 of the previous year.

"(C) NOTIFICATIONS OF ALLOCATION AMOUNTS.—For 2024 and each subsequent year, the Secretary shall notify each State of the amount determined for such State under paragraph (2) for such year by not later than January 1 of the previous year.

"(2) ALLOCATION AMOUNT DETERMINATIONS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the amount determined under this paragraph for a year for a State described in paragraph (1)(A) for such year is the amount equal to—

"(i) the amount that the Secretary estimates would be expended under this part for such year on attachment range claims of individuals residing in such State if such State used such funds only for the purpose described in paragraph (1) of section 1352(a) at the dollar amounts and percentage specified under subparagraph (B) for such year; minus

"(ii) the amount, if any, by which the Secretary determines—

"(I) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to indi-

viduals residing in such State for such year without application of this part; exceeds

"(II) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year if section 1353(b) applied for such year and applied with respect to such State for such year.

For purposes of the previous sentence and section 1353(b)(3), the term 'attachment range claims' means, with respect to an individual, the claims for such individual that exceed a dollar amount specified by the Secretary for a year, but do not exceed a ceiling dollar amount specified by the Secretary for such year, under subparagraph (B).

"(B) SPECIFICATIONS.—For purposes of subparagraph (A) and section 1353(b)(3), the Secretary shall determine the dollar amounts and the percentage to be specified under this subparagraph for a year in a manner to ensure that the total amount of expenditures under this part for such year is estimated to equal the total amount appropriated for such year under subsection (a) if such expenditures were used solely for the purpose described in paragraph (1) of section 1352(a) for attachment range claims at the dollar amounts and percentage so specified for such year.

"(3) AVAILABILITY.—Funds allocated to a State under this subsection for a year shall remain available through the end of the subsequent year.".

(b) BASIC HEALTH PROGRAM FUNDING ADJUSTMENTS.—Section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) PROVISION OF INFORMATION ON QUALIFIED HEALTH PLAN PREMIUMS.—

"(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, the program described in paragraph (1) shall provide that a State may not establish a basic health program unless such State furnishes to the Secretary, with respect to each qualified health plan offered in such State during a year that receives any reinsurance payment from funds made available under part 6 for such year, the adjusted premium amount (as defined in subparagraph (B)) for each such plan and year.

"(B) ADJUSTED PREMIUM AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'adjusted premium amount' means, with respect to a qualified health plan and a year, the monthly premium for such plan and year that would have applied had such plan not received any payments described in subparagraph (A) for such year."; and

(2) in subsection (d)(3)(A)(ii), by adding at the end the following new sentence: "In making such determination, the Secretary shall calculate the value of such premium tax credits that would have been provided to such individuals enrolled through a basic health program established by a State during

a year using the adjusted premium amounts (as defined in subsection (a)(3)(B)) for qualified health plans offered in such State during such year.".

Subtitle G—Medicaid

PART 1—FEDERAL MEDICAID PROGRAM TO CLOSE THE COVERAGE GAP

SEC. 30701. CLOSING THE MEDICAID COVERAGE GAP.

(a) FEDERAL MEDICAID PROGRAM TO CLOSE COVERAGE GAP IN NONEXPANSION STATES.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"SEC. 1948. FEDERAL MEDICAID PROGRAM TO CLOSE COVERAGE GAP IN NONEXPANSION STATES.

"(a) ESTABLISHMENT.—Not later than January 1, 2025, the Secretary shall establish a program (in this section referred to as the 'Federal Medicaid program' or the 'Program' under which, in the case of a State that the Secretary determines (based on the State plan under this title, waiver of such plan, or other relevant information) is not expected to expend amounts under the State plan (or waiver of such plan) for all individuals who would be entitled to medical assistance pursuant to section 1902(a)(10)(A)(i)(VIII) during a year (beginning with 2025), (in this section defined as 'a coverage gap State', with respect to such year), the Secretary shall (including through contract with eligible entities (as specified by the Secretary), consistent with subsection (b)) provide for the offering to such individuals residing in such State of health benefits. The Federal Medicaid program shall be offered in a coverage gap State for each quarter during the period beginning on January 1 of such year, and ending with the last day of the first quarter during which the State provides medical assistance to all such individuals under the State plan (or waiver of such plan). Under the Federal Medicaid program, the Secretary—

"(1) may use the Federally Facilitated Marketplace to facilitate eligibility determinations and enrollments under the Federal Medicaid Program and shall establish a set of eligibility rules to be applied under the Program in a manner consistent with section 1902(e)(14);

"(2) shall establish benefits, beneficiary protections, and access to care standards by, at a minimum—

"(A) establishing a minimum set of health benefits to be provided (and providing such benefits) under the Federal Medicaid program, which shall be in compliance with the requirements of section 1937 and shall consist of benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2) to the same extent as medical assistance provided to such an individual under this title (without application of this section) is required under section 1902(k)(1) to consist of such benchmark coverage or benchmark equivalent coverage;

"(B) applying the provisions of sections 1902(a)(8), 1902(a)(34), and 1943 with respect to such an individual, health benefits under the Federal Medicaid program, and making application for such benefits in the same manner as such provisions would apply to such an individual, medical assistance under this title (other than pursuant to this section), and making application for such medical assistance under this title (other than pursuant to this section); and providing that redeterminations and appeals of eligibility and coverage determinations of items and services (including benefit reductions, terminations, and suspension) shall be conducted under the Federal Medicaid program in accordance with a Federal fair hearing process established by the Secretary that is subject to the same requirements as applied under section 1902(a)(3) with respect to redeterminations and appeals of eligibility, and with respect to coverage of items and services (including benefit reductions, terminations, and suspension), under a State plan under this title and that may provide for such fair hearings related to denials of eligibility (based on modified adjusted gross income eligibility determinations) to be conducted through the Federally Facilitated Marketplace for Exchanges;

"(C) applying, in accordance with subsection (d), the provisions of section 1927 (other than subparagraphs (B) and (C) of subsection (b)(1) of such section) with respect to the Secretary and payment under the Federal Medicaid program for covered outpatient drugs with respect to a rebate period in the same manner and to the same extent as such provisions apply with respect to a State and payment under the State plan for covered outpatient drugs with respect to the rebate period;

"(D) applying the provisions of sections 1902(a)(14), 1902(a)(23), 1902(a)(47), and 1920 through 1920C (as applicable) to the Federal Medicaid program and such individuals enrolled in and entitled to health benefits under such program in the same manner and to the same extent as such provisions apply to such individuals eligible for medical assistance under the State plan, and applying the provisions of section 1902(a)(30)(A) with respect to medical assistance available under the Federal Medicaid program in the same manner and to the same extent as such provisions apply to medical assistance under a State plan under this title, except that—

"(i) the Secretary shall provide that no cost sharing shall be applied under the Federal Medicaid program;

"(ii) the Secretary may waive the provisions of subparagraph (A) of section 1902(a)(23) to the extent deemed appropriate to facilitate the implementation of managed care;

"(iii) in applying the provisions of section 1902(a)(47) and sections 1920 through 1920C, the Secretary—

"(I) shall establish a single presumptive eligibility process for individuals eligible under the

Federal Medicaid program, under which the Secretary may contract with entities to carry out such process; and

"(II) may apply such provisions and process in accordance with such phased-in implementation as the Secretary deems necessary, but beginning as soon as practicable); and

"(E) prohibiting payment from being available under the Federal Medicaid program for any item or service subject to a payment exclusion under this title or title XI.

"(b) ADMINISTRATION OF FEDERAL MEDICAID PROGRAM THROUGH CONTRACTS WITH MEDICAID MANAGED CARE ORGANIZATION AND THIRD PARTY PLAN ADMINISTRATOR REQUIREMENTS.—

"(1) IN GENERAL.—For the purpose of providing medical assistance to individuals described in section 1902(a)(10)(A)(i)(VIII) enrolled under the Federal Medicaid program across all coverage gap geographic areas (as defined in paragraph (8)) in which such individuals reside, the Secretary shall solicit bids described in paragraph (2) and enter into contracts with a total of at least 2 eligible entities (as specified by the Secretary, which may be a medicaid managed care organization (in this section defined as a managed care organization described in section 1932(a)(1)(B)(i)), a third party plan administrator, or both). An eligible entity entering into a contract with the Secretary under this paragraph may administer such benefits as a medicaid managed care organization (as so defined), in which case such contract shall be in accordance with paragraph (3) with respect to such geographic area, or as a third-party administrator, in which case such contract shall be in accordance with paragraph (4) with respect to such geographic area. The Secretary may so contract with a Medicaid managed care organization or third party plan administrator in each coverage gap geographic area (and may specify which type of eligible entity may bid with respect to a coverage gap geographic area or areas) and may contract with more than one such eligible entity in the same coverage gap geographic area.

"(2) BIDS.—

"(A) IN GENERAL.—To be eligible to enter into a contract under this subsection, for a year, an entity shall submit (at such time, in such manner, and containing such information as specified by the Secretary) one or more bids to provide medical assistance under the Program in one or more coverage gap geographic areas, which are actuarially sound and reflect the projected monthly cost to the entity of providing medical assistance under the Program to an individual enrolled under the Program in such a geographic area (or areas) for such year.

"(B) SELECTION.—In selecting from bids submitted under subparagraph (A) for purposes of entering into contracts with eligible entities under this subsection, with respect to a coverage gap geographic area, the Secretary shall take into account at least each of the following, with respect to each such bid:

"(i) Network adequacy (as proposed in the submitted bid).

"(ii) The amount, duration, and scope of benefits (such as value-added services offered in the submitted bid), as compared to the minimum set of benefits established by the Secretary under subsection (a)(2)(A).

"(iii) The amount of the bid, taking into account the average per member cost of providing medical assistance under State plans under this title (or waivers of such plans) to individuals enrolled in such plans (or waivers) who are at least 18 years of age and residing in the coverage gap geographic area, as well as the average cost of providing medical assistance under State plans under this title (and waivers of such plans) to individuals described in section 1902(a)(10)(A)(i)(VIII).

"(iv) The organizational capacity of the entity, the experience of the entity with Medicaid managed care, the experience of the entity with Medicaid managed care for individuals described in section 1902(a)(10)(A)(i)(VIII), the performance of the entity (if available) on the adult core set quality measures in States that are not coverage gap States.

"(3) CONTRACT WITH MEDICAID MANAGED CARE ORGANIZATION.—In the case of a contract under paragraph (1) between the Secretary and an eligible entity administering benefits under the Program as a Medicaid managed care organization, with respect to one or more coverage gap geographic areas, the following shall apply:

"(A) The provisions of clauses (i) through (xi) of section 1903(m)(2)(A), clause (xii) of such section (to the extent such clause relates to subsections (b), (d), (f), and (i) of section 1932), and clause (xiii) of such section 1903(m)(2)(A) shall, to the greatest extent practicable, apply to the contract, to the Secretary, and to the Medicaid managed care organization, with respect to providing medical assistance under the Federal Medicaid program with respect to such area (or areas), in the same manner and to the same extent as such provisions apply to a contract under section 1903(m) between a State and an entity that is a medicaid managed care organization (as defined in section 1903(m)(1)), to the State, and to the entity, with respect to providing medical assistance to individuals eligible for benefits under this title.

"(B) The provisions of section 1932(h) shall apply to the contract, Secretary, and Medicaid managed care organization.

"(C) The contract shall provide that the entity pay claims in a timely manner and in accordance with the provisions of section 1902(a)(37).

"(D) The contract shall provide that the Secretary shall make payments under this section to the entity, with respect to coverage of each individual enrolled under the Program in such a coverage gap geographic area with respect to which the entity administers the Program in an

amount specified in the contract, subject to subparagraph (D)(ii) and paragraph (6).

"(E) The contract shall require—

"(i) the application of a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (or any successor regulation)) for payment for medical assistance administered by the managed care organization under the Program, with respect to a year, that is equal to or greater than 85 percent (or such higher percent as specified by the Secretary); and

"(ii) in the case, with respect to a year, the minimum medical loss ratio (as so calculated) for payment for services under the benefits so administered is less than 85 percent (or such higher percent as specified by the Secretary under clause (i)), remittance by the organization to the Secretary of any payments (or portions of payments) made to the organization under this section in an amount equal to the difference in payments for medical assistance, with respect to the year, resulting from the organization's failure to meet such ratio for such year.

"(F) The contract shall require that the eligible entity submit to the Secretary—

"(i) the number of individuals enrolled in the Program with respect to each coverage gap geographic area and month with respect to which the contract applies;

"(ii) encounter data (disaggregated by race, ethnicity, and age) with respect to each coverage gap geographic area and month with respect to which the contract applies; and

"(iii) such additional information as specified by the Secretary for purposes of payment, program integrity, oversight, quality measurement, or such other purpose specified by the Secretary.

"(G) The contract shall require that the eligible entity perform any other activity identified by the Secretary.

"(4) CONTRACT WITH A THIRD PARTY PLAN ADMINISTRATOR.—

"(A) IN GENERAL.—In the case of a contract under paragraph (1) between the Secretary and an eligible entity to administer the Program as a third party plan administrator, with respect to one or more coverage gap geographic areas, such contract shall provide that, with respect to medical assistance provided under the Federal Medicaid program to individuals who are enrolled in the Program with respect to such area (or areas)—

"(i) the third party plan administrator shall, consistent with such requirements as may be established by the Secretary—

"(I) establish provider networks, payment rates, and utilization management, consistent with the provisions of section 1902(a)(30)(A), as applied by subsection (a)(4) of this section;

"(II) pay claims in a timely manner and in accordance with the provisions of section 1902(a)(37);

"(III) submit to the Secretary—

"(aa) the number of individuals enrolled in the Program with respect to each coverage gap geographic area and month with respect to which the contract applies;

"(bb) encounter data (disaggregated by race, ethnicity, and age) with respect to each coverage gap geographic area and month with respect to which the contract applies; and

"(cc) such additional information as specified by the Secretary for purposes of payment, program integrity, oversight, quality measurement, or such other purpose specified by the Secretary; and

"(IV) perform any other activity identified by the Secretary;

"(ii) the Secretary shall make payments (for the claims submitted by the third party plan administrator and for an economic and efficient administrative fee) under this section to the third party plan administrator, with respect to coverage of each individual enrolled under the Program in a coverage gap geographic area with respect to which the third party plan administrator administers the Program in an amount determined under the contract, subject to subclause (VI)(bb) and paragraph (7); and

"(iii) the provisions of clause (xii) of section 1903(m)(2)(A) (to the extent such clause relates to subsections (b), (d), (f), and (i) of section 1932) shall, to the greatest extent practicable, apply to the contract, to the Secretary, and to the third party plan administrator, with respect to providing medical assistance under the Federal Medicaid program with respect to such area (or areas), in the same manner and to the same extent as such provisions apply to a contract under section 1903(m) between a State and an entity that is a medicaid managed care organization (as defined in section 1903(m)(1)), to the State, and to the entity, with respect to providing medical assistance to individuals eligible for benefits under this title

"(B) THIRD PARTY PLAN ADMINISTRATOR DEFINED.—For purposes of this section, the term 'third party plan administrator' means an entity that satisfies such requirements as established by the Secretary, which shall include at least that such an entity administers health plan benefits, pays claims under the plan, establishes provider networks, sets payment rates, and are not risk-bearing entities.

"(5) ADMINISTRATIVE AUTHORITY.—The Secretary may take such actions as are necessary to administer this subsection, including by setting network adequacy standards, establishing quality requirements, establishing reporting requirements, lim-

iting administrative costs, and specifying any other program requirements or standards necessary in contracting with specified entities under this subsection, and overseeing such entities, with respect to the administration of the Federal Medicaid program.

"(6) PREEMPTION.—In carrying out the duties under a contract entered into under paragraph (1) between the Secretary and a Medicaid managed care organization or a third party plan administrator, with respect to a coverage gap State—

"(A) the Secretary may establish minimum standards and licensure requirements for such a Medicaid managed care organization or third party plan administrator for purposes of carrying out such duties; and

"(B) any provisions of law of that State which relate to the licensing of the organization or administrator and which prohibit the organization or administrator from providing coverage pursuant to a contract under this section shall be superseded.

"(7) PENALTIES.—In the case of an eligible entity with a contract under this section that fails to comply with the requirements of such entity pursuant to this section or such contract, the Secretary may withhold payment (or any portion of such payment) to such entity under this section in accordance with a process specified by the Secretary, impose a corrective action plan on such entity, terminate the contract, or impose a civil monetary penalty on such entity in an amount not to exceed $10,000 for each such failure. In implementing this paragraph, the Secretary shall have the authorities provided the Secretary under section 1932(e) and subparts F and I of part 438 of title 42, Code of Federal Regulations.

"(8) COVERAGE GAP GEOGRAPHIC AREA.—For purposes of this section, the term 'coverage gap geographic area' means an area of one or more coverage gap States, as specified by the Secretary, or any area within such a State, as specified by the Secretary.

"(c) PERIODIC DATA MATCHING.—The Secretary shall, including through contract, periodically verify the income of an individual enrolled in the Federal Medicaid program for a year, before the end of such year, to determine if there has been any change in the individual's eligibility for benefits under the program. For purposes of the previous sentence, in the case that, pursuant to such verification, an individual is determined to have had a change in income that results in such individual no longer be included as an individual described in section 1902(a)(10)(A)(i)(VIII), the Secretary shall apply the same processes and protections as States are required under this title to apply with respect to an individual who is determined to have had a change in income that results in such individual no longer being included as eligible for medical assistance under this title (other than pursuant to this section).

"(d) DRUG REBATES.—For purposes of subsection (a)(2)(C), in applying section 1927, the Secretary shall (either directly or through contracts)—

"(1) require an eligible entity with a contract under subsection (b) to report the data required to be reported under sec-

tion 1927(b)(2) by a State agency and require such entity to submit to the Secretary rebate data, utilization data, and any other information that would otherwise be required under section 1927 to be submitted to the Secretary by a State;

"(2) shall take such actions as are necessary and develop or adapt such processes and mechanisms as are necessary to report and collect data as is necessary and to bill and track rebates under section 1927, as applied pursuant to subsection (a)(2)(B) for drugs that are provided under the Federal Medicaid program;

"(3) provide that the coverage requirements of prescription drugs under the Federal Medicaid program comply with the coverage requirements under section 1927;

"(4) require that in order for payment to be available under the Federal Medicaid program or under section 1903(a) for covered outpatient drugs of a manufacturer, the manufacturer must have entered into and have in effect a rebate agreement to provide rebates under section 1927 to the Federal Medicaid program in the same form and manner as the manufacturer is required to provide rebates under an agreement described in section 1927(b) to a State Medicaid program under this title;

"(5) require an eligible entity with a contract under subsection (b) to provide for a drug use review program described in subsection (g) of section 1927 in accordance with the requirements applicable to a State under such subsection (g) with respect to a drug use review program; and

"(6) adopt a mechanism to prevent the requirements of section 1927 from applying to covered outpatient drugs under the Federal Medicaid program pursuant to this subsection and subsection (a)(2)(C) if such drugs are subject to discounts under section 340B of the Public Health Service Act.

"(e) TRANSITIONS.—

"(1) FROM EXCHANGE PLANS ONTO FEDERAL MEDICAID PROGRAM.—The Secretary shall provide for a process under which, in the case of individuals entitled to medical assistance pursuant section 1902(a)(10)(A)(i)(VIII) who are enrolled in qualified health plans through an Exchange in a coverage gap State, the Secretary takes such steps as are necessary to transition such individuals to coverage under the Federal Medicaid program. Such process shall apply procedures described in section 1943(b)(1)(C) to screen for eligibility and enrollment under the Federal Medicaid program in the same manner as such procedures screen for eligibility and enrollment under qualified health plans through an Exchange established under title I of the Patient Protection and Affordable Care Act.

"(2) IN CASE COVERAGE GAP STATE BEGINS PROVIDING COVERAGE UNDER STATE PLAN.—The Secretary shall provide for a process for, in the case of a coverage gap State in which the State begins to provide medical assistance to individuals described in section 1902(a)(10)(A)(i)(VIII) under the State plan (or waiver of such plan) and the Federal Medicaid program ceases to be offered, transitioning individuals from such program to the State plan (or waiver), as eligible, including a process for transitioning all eligibility redeterminations.

"(3) AUTHORITY FOR PHASE-IN.—The Secretary may apply section 1902(a)(34), pursuant to subsection (a)(2)(B) of this section, in accordance with such phased-in implementation as the Secretary deems necessary, but beginning as soon as practicable.

"(f) COORDINATION WITH AND ENROLLMENT THROUGH EXCHANGES.—The Secretary shall take such actions as are necessary to provide, in the case of a coverage gap State in which the Federal Medicaid program is offered, for the availability of information on, determinations of eligibility for, and enrollment in such program through and coordinated with the Exchange established with respect to such State under title I of the Patient Protection and Affordable Care Act.

"(g) THIRD PARTY LIABILITY.—The provisions of section 1902(a)(25) shall apply with respect to the Federal Medicaid program, the Secretary, and the eligible entities with a contract under subsection (b) in the same manner as such provisions apply with respect to State plans under this title (or waiver of such plans) and the State or local agency administering such plan (or waiver). The Secretary may specify a timeline (which may include a phase-in) for implementing this subsection.

"(h) FRAUD AND ABUSE PROVISIONS.—Provisions of law (other than criminal law provisions) identified by the Secretary, in consultation (as appropriate) with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under this title or title XI, such as the False Claims Act (31 U.S.C. 3729 et seq.), as well as provisions of law (other than criminal law provisions) identified by the Secretary that provide oversight authority, shall also apply to the Federal Medicaid program.

"(i) MAINTENANCE OF EFFORT.—

"(1) PAYMENT.—

"(A) IN GENERAL.—In the case of a State that, as of January 1, 2022, is expending amounts for all individuals described in section 1902(a)(10)(A)(i)(VIII) under the State plan (or waiver of such plan) and that stops expending amounts for all such individuals under the State plan (or waiver of such plan), such State shall for each quarter beginning after January 1, 2022, during which such State does not expend amounts for all such individuals provide for payment under this subsection to the Secretary of the product of—

"(i) 10 percent of, subject to subparagraph (B), the average monthly per capita costs expended under the State plan (or waiver of such plan) for such individuals during the most recent previous quarter with respect to which the State expended amounts for all such individuals; and

"(ii) the sum, for each month during such quarter, of the number of individuals enrolled under such program in such State.

"(B) ANNUAL INCREASE.—For purposes of subparagraph (A), in the case of a State with respect to which such subparagraph applies with respect to a period of consecutive

quarters occurring during more than one calendar year, for such consecutive quarters occurring during the second of such calendar years or a subsequent calendar year, the average monthly per capita costs for each such quarter for such State determined under subparagraph (A)(i), or this subparagraph, shall be annually increased by the Secretary by the percentage increase in Medicaid spending under this title during the preceding year (as determined based on the most recent National Health Expenditure data with respect to such year).

"(2) FORM AND MANNER OF PAYMENT.—Payment under paragraph (1) shall be made in a form and manner specified by the Secretary.

"(3) COMPLIANCE.—If a State fails to pay to the Secretary an amount required under paragraph (1), interest shall accrue on such amount at the rate provided under section 1903(d)(5). The amount so owed and applicable interest shall be immediately offset against amounts otherwise payable to the State under section 1903(a), in accordance with the Federal Claims Collection Act of 1996 and applicable regulations.

"(4) DATA MATCH.—The Secretary shall perform such periodic data matches as may be necessary to identify and compute the number of individuals enrolled under the Federal Medicaid program under section 1948 in a coverage gap State (as referenced in subsection (a) of such section) for purposes of computing the amount under paragraph (1).

"(5) NOTICE.—The Secretary shall notify each State described in paragraph (1) not later than a date specified by the Secretary that is before the beginning of each quarter (beginning with 2022) of the amount computed under paragraph (1) for the State for that year.

"(j) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for each fiscal year such sums as are necessary to carry out subsections (a) through (i) of this section.".

(b) DRUG REBATE CONFORMING AMENDMENT.—Section 1927(a)(1) of the Social Security Act (42 U.S.C. 1396r–8(a)(1)) is amended in the first sentence—

(1) by striking "or under part B of title XVIII" and inserting ", under the Federal Medicaid program under section 1948, or under part B of title XVIII"; and

(2) by inserting "including as such subsection is applied pursuant to subsections (a)(2)(C) and (d) of section 1948 with respect to the Federal Medicaid program," before "and must meet".

PART 2—EXPANDING ACCESS TO MEDICAID HOME AND COMMUNITY-BASED SERVICES

SEC. 30711. DEFINITIONS.

In this part:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Energy and Commerce of the House of Representatives, the

Committee on Finance of the Senate, the Committee on Health, Education, Labor and Pensions of the Senate, and the Special Committee on Aging of the Senate.

(2) DIRECT CARE WORKER.—The term "direct care worker" means, with respect to a State, any of the following individuals who by contract, by receipt of payment for care, or as a result of the operation of law, provides directly to Medicaid eligible individuals home and community-based services available under the State Medicaid program:

(A) A registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist who provides licensed nursing services, or a licensed nursing assistant who provides such services under the supervision of a registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist.

(B) A direct support professional.

(C) A personal care attendant.

(D) A home health aide.

(E) Any other paid health care professional or worker determined to be appropriate by the State and approved by the Secretary.

(3) HCBS PROGRAM IMPROVEMENT STATE.—The term "HCBS program improvement State" means a State that is awarded a planning grant under section 1011(a) and has an HCBS improvement plan approved by the Secretary under section 1011(d).

(4) HEALTH PLAN.—The term "health plan" means any of the following entities that provide or arrange for home and community-based services for Medicaid eligible individuals who are enrolled with the entities under a contract with a State:

(A) A medicaid managed care organization, as defined in section 1903(m)(1)(A) of the Social Security Act (42 U.S.C. 1396b(m)(1)(A)).

(B) A prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation)).

(C) Any other entity determined to be appropriate by the State and approved by the Secretary.

(5) HOME AND COMMUNITY-BASED SERVICES.—The term "home and community-based services" means any of the following (whether provided on a fee-for-service, risk, or other basis):

(A) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(B) Private duty nursing services authorized under paragraph (8) of such section, when such services are provided in a Medicaid eligible individual's home.

(C) Personal care services authorized under paragraph (24) of such section.

(D) PACE services authorized under paragraph (26) of such section.

(E) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of

such Act (42 U.S.C. 1396n), authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), or provided through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u–7).

(F) Case management services authorized under section 1905(a)(19) of the Social Security Act (42 U.S.C. 1396d(a)(19)) and section 1915(g) of such Act (42 U.S.C. 1396n(g)).

(G) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

(H) Self-directed personal assistance services authorized under section 1915(j) of the Social Security Act (42 U.S.C. 1396n(j)).

(I) School-based services when the school is the location for provision of services if the services are—

(i) authorized under section 1905(a) of such Act (42 U.S.C. 1396d(a)) (or under a waiver under section 1915(c) or demonstration under section 1115) ; and

(ii) described in another subparagraph of this paragraph.

(J) Such other services specified by the Secretary.

(6) INSTITUTIONAL SETTING.—The term "institutional setting" means—

(A) a skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)));

(B) a nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a)));

(C) a long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act (42 U.S.C. 1395ww(d)(1)(B)(iv)));

(D) a facility (or distinct part thereof) described in section 1905(d) of such Act (42 U.S.C. 1396d(d)));

(E) an institution (or distinct part thereof) which is a psychiatric hospital (as defined in section 1861(f) of such Act (42 U.S.C. 1395x(f))) or that provides inpatient psychiatric services in a residential setting specified by the Secretary;

(F) an institution (or distinct part thereof) described in section 1905(i) of such Act (42 U.S.C. 1396d(i)); and

(G) any other relevant facility, as determined by the Secretary.

(7) MEDICAID ELIGIBLE INDIVIDUAL.—The term "Medicaid eligible individual" means an individual who is eligible for and receiving medical assistance under a State Medicaid plan or a waiver such plan. Such term includes an individual who would become eligible for medical assistance and enrolled under a State Medicaid plan, or waiver of such plan, upon removal from a waiting list.

(8) STATE MEDICAID PROGRAM.—The term "State Medicaid program" means, with respect to a State, the State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver or demonstration under such title

or under section 1115 of such Act (42 U.S.C. 1315) relating to such title).

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(10) STATE.—The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

SEC. 30712. HCBS IMPROVEMENT PLANNING GRANTS.

(a) FUNDING.—

(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, $130,000,000, to remain available until expended, for carrying out this section.

(2) TECHNICAL ASSISTANCE AND GUIDANCE.—The Secretary shall reserve $5,000,000 of the amount appropriated under paragraph (1) for purposes of issuing guidance and providing technical assistance to States intending to apply for, or awarded, a planning grant under this section, and for other administrative expenses related to awarding planning grants under this section.

(b) AWARD AND USE OF GRANTS.—

(1) DEADLINE FOR AWARD OF GRANTS.—From the amount appropriated under subsection (a)(1), the Secretary, not later than 12 months after the date of enactment of this Act, shall solicit State requests for HCBS improvement planning grants and award such grants to all States that meet such requirements as determined by the Secretary.

(2) CRITERIA FOR DETERMINING AMOUNT OF GRANTS.—The Secretary shall take into account the improvements a State would propose to make, consistent with the areas of focus of the HCBS improvement plan requirements described under subsection (c) in determining the amount of the planning grant to be awarded to each State that requests such a grant.

(3) USE OF FUNDS.—A State awarded a planning grant under this section shall use the grant to carry out planning activities for purposes of developing and submitting to the Secretary an HCBS improvement plan for the State that meets the requirements of subsections (c) and (d) in order to expand access to home and community-based services and strengthen the direct care workforce that provides such services. A State may use planning grant funds to support activities related to the implementation of the HCBS improvement plan for the State, collect and report information described in subsection (c), identify areas for improvement to the service delivery systems for home and community-based services, carry out activities related to evaluating payment rates for home and community-based services and identifying improvements to update the rate setting process, and for such other purposes as the Secretary shall specify, including the following:

(A) Caregiver supports.

(B) Addressing social determinants of health (other than housing or homelessness).

(C) Promoting equity and addressing health disparities.

(D) Promoting community integration and compliance with the home and community-based settings rule published on January 16, 2014, or any successor regulation.

(E) Building partnerships.

(F) Infrastructure investments (such as case management or other information technology systems).

(c) HCBS IMPROVEMENT PLAN REQUIREMENTS.—In order to meet the requirements of this subsection, an HCBS improvement plan developed using funds awarded to a State under this section shall include, with respect to the State and subject to subsection (d), the following:

(1) EXISTING MEDICAID HCBS LANDSCAPE.—

(A) ELIGIBILITY AND BENEFITS.—A description of the existing standards, pathways, and methodologies for eligibility (which shall be delineated by the State based on eligibility group under the State plan or waiver of such plan) for home and community-based services, including limits on assets and income, the home and community-based services available under the State Medicaid program and the types of settings in which they may be provided, and utilization management standards for such services.

(B) ACCESS.—

(i) BARRIERS.—A description of the barriers to accessing home and community-based services in the State identified by Medicaid eligible individuals, the families of such individuals, and providers of such services, such as barriers for individuals who wish to leave institutional settings, individuals experiencing homelessness or housing instability, and individuals in geographical areas of the State with low or no access to such services.

(ii) AVAILABILITY; UNMET NEED.—A summary, in accordance with guidance issued by the Secretary, of the extent to which home and community-based services are available to all individuals in the State who would be eligible for such services under the State Medicaid program (including individuals who are on a waitlist for such services).

(C) UTILIZATION.—An assessment of the utilization of home and community-based services in the State during such period specified by the Secretary.

(D) SERVICE DELIVERY STRUCTURES AND SUPPORTS.—A description of the service delivery structures for providing home and community-based services in the State, including whether models of self-direction are used and to which Medicaid eligible individuals such models are available, the share of total services that are administered by agencies, the use of managed care and fee-for-service to provide such services, and the supports provided for family caregivers.

(E) WORKFORCE.—A description of the direct care workforce that provides home and community-based services, including estimates (and a description of the methodology used to develop such estimates) of the number of full- and

part-time direct care workers, the average and range of direct care worker wages, the benefits provided to direct care workers, the turnover and vacancy rates of direct care worker positions, the membership of direct care workers in labor organizations and, to the extent the State has access to such data, demographic information about such workforce, including information on race, ethnicity, and gender.

(F) PAYMENT RATES.—

(i) IN GENERAL.—A description of the payment rates for home and community-based services, including, to the extent applicable, how payments for such services are factored into the development of managed care capitation rates, and when the State last updated payment rates for home and community-based services, and the extent to which payment rates are passed through to direct care worker wages.

(ii) ASSESSMENT.—An assessment of the relationship between payment rates for such services and average beneficiary wait times for such services, provider-to-beneficiary ratios in the geographic region.

(G) QUALITY.—A description of how the quality of home and community-based services is measured and monitored.

(H) LONG-TERM SERVICES AND SUPPORTS PROVIDED IN INSTITUTIONAL SETTINGS.—A description of the number of individuals enrolled in the State Medicaid program who receive items and services for greater than 30 days in an institutional setting that is a nursing facility or intermediate care facility, and the demographic information of such individuals who are provided such items and services in such settings.

(I) HCBS SHARE OF OVERALL MEDICAID LTSS SPENDING.—For the most recent State fiscal year for which complete data is available, the percentage of expenditures made by the State under the State Medicaid program for long-term services and supports that are for home and community-based services.

(J) DEMOGRAPHIC DATA.—To the extent available and as applicable with respect to the information required under subparagraphs (B),(C), and (H), demographic data for such information, disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

(2) GOALS FOR HCBS IMPROVEMENTS.—A description of how the State will do the following:

(A) Conduct the activities required under subsection (jj) of section 1905 of the Social Security Act(as added under section 30713).

(B) Reduce barriers and disparities in access or utilization of home and community-based services in the State.

(C) Monitor and report (with supporting data to the extent available and applicable disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting, on—

(i) access to home and community-based services under the State Medicaid program, disparities in access to such services, and the utilization of such services; and

(ii) the amount of State Medicaid expenditures for home and community-based services under the State Medicaid program as a proportion of the total amount of State expenditures under the State Medicaid program for long-term services and supports.

(D) Monitor and report on wages, benefits, and vacancy and turnover rates for direct care workers.

(E) Assess and monitor the sufficiency of payments under the State Medicaid program for the specific types of home and community-based services available under such program for purposes of supporting direct care worker recruitment and retention and ensuring the availability of home and community-based services.

(F) Coordinate implementation of the HCBS improvement plan among the State Medicaid agency, agencies serving individuals with disabilities, agencies serving the elderly, and other relevant State and local agencies and organizations that provide related supports, such as those for housing, transportation, employment, and other services and supports.

(d) DEVELOPMENT AND APPROVAL REQUIREMENTS.—

(1) DEVELOPMENT REQUIREMENTS.—In order to meet the requirements of this subsection, a State awarded a planning grant under this section shall develop an HCBS improvement plan for the State with input from stakeholders through a public notice and comment process that includes consultation with Medicaid eligible individuals who are recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

(2) AUTHORITY TO ADJUST CERTAIN PLAN CONTENT REQUIREMENTS.—The Secretary may modify the requirements for any of the information specified in subsection (c)(1) if a State requests a modification and demonstrates to the satisfaction of the Secretary that it is impracticable for the State to collect and submit the information.

(3) SUBMISSION AND APPROVAL.—Not later than 24 months after the date on which a State is awarded a planning grant under this section, the State shall submit an HCBS improvement plan for approval by the Secretary, along with assurances by the State that the State will implement the plan in accordance with the requirements of the HCBS Improvement Program established under subsection (jj) of section 1905 of the Social Security Act (42 U.S.C. 1396d) (as added by section 30713). The Secretary shall approve and make publicly available the HCBS improvement plan for a State after the plan and such assurances are submitted to the Secretary for approval and the Secretary determines the plan meets the requirements of subsection (c). A State may amend its HCBS im-

provement plan, subject to the approval of the Secretary that the plan as so amended meets the requirements of subsection (c). The Secretary may withhold or recoup funds provided under this section to a State or pursuant to section 1905(jj) of the Social Security Act, as added by section 30713, if the State fails to implement the HCBS improvement plan of the State or meet applicable deadlines under this section.

SEC. 30713. HCBS IMPROVEMENT PROGRAM.

(a) INCREASED FMAP FOR HCBS PROGRAM IMPROVEMENT STATES.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking "and (ii)" and inserting "(ii), and (jj)"; and

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

"(jj) ADDITIONAL SUPPORT FOR HCBS PROGRAM IMPROVEMENT STATES.—

"(1) IN GENERAL.—

"(A) ADDITIONAL SUPPORT.—Subject to paragraph (5), in the case of a State that is an HCBS program improvement State, for each fiscal quarter that begins on or after the first date on which the State is an HCBS program improvement State—

"(i) and for which the State meets the requirements described in paragraphs (2) and (4), notwithstanding subsection (b) or (ff), subject to subparagraph (B), with respect to amounts expended during the quarter by such State for medical assistance for home and community-based services, the Federal medical assistance percentage for such State and quarter (as determined for the State under subsection (b) and, if applicable, increased under subsection (y), (z), (aa), or (ii), or section 6008(a) of the Families First Coronavirus Response Act) shall be increased by 7 percentage points; and

"(ii) with respect to the State meeting the requirements described in paragraphs (2) and (4), notwithstanding section 1903(a)(7), 1903(a)(3)(F), and 1903(t), with respect to amounts expended during the quarter and before October 1, 2031, for administrative costs for expanding and enhancing home and community-based services, including for enhancing Medicaid data and technology infrastructure, modifying rate setting processes, adopting or improving training programs for direct care workers and family caregivers, and adopting, carrying out, or enhancing programs that register direct care workers or connect beneficiaries to direct care workers, the per centum specified in such section shall be increased to 80 percent.

In no case may the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (ii) result in a reduction to the per centum otherwise specified without application of such clause. Any increase pursuant

to clause (ii) shall be available to a State before the State meets the requirements of paragraphs (2) and (4).

"(B) ADDITIONAL HCBS IMPROVEMENT EFFORTS.—Subject to paragraph (5), in addition to the increase to the Federal medical assistance percentage under subparagraph (A)(i) for amounts expended during a quarter for medical assistance for home and community-based services by an HCBS program improvement State that meets the requirements of paragraphs (2) and (4) for the quarter, the Federal medical assistance percentage for amounts expended by the State during the quarter for medical assistance for home and community-based services shall be further increased by 2 percentage points (but not to exceed 95 percent) during the first 8 fiscal quarters throughout which the State has implemented and has in effect a program to support self-directed care that meets the requirements of paragraph (3).

"(C) NONAPPLICATION OF TERRITORIAL FUNDING CAPS.—Any payment made to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for expenditures that are subject to an increase in the Federal medical assistance percentage under subparagraph (A)(i) or (B), or an increase in an applicable Federal matching percentage under subparagraph (A)(ii), shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108.

"(D) NONAPPLICATION TO CHIP EFMAP.—Any increase described in subparagraph (A) (or payment made for expenditures on medical assistance that are subject to such increase) shall not be taken into account in calculating the enhanced FMAP of a State under section 2105.

"(2) REQUIREMENTS.—As conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

"(A) NONSUPPLANTATION.—The State uses the Federal funds attributable to the increase in the Federal medical assistance percentage for amounts expended during a quarter for medical assistance for home and community-based services under subparagraphs (A) and, if applicable, (B) of paragraph (1) to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of the date the State is awarded a planning grant under section 30712 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'. In applying this subparagraph, the Secretary shall provide that a State shall have a 3-year period to spend any accumulated unspent State funds attributable to the increase described in clause (i) in the Federal medical assistance percentage.

"(B) MAINTENANCE OF EFFORT.—

"(i) IN GENERAL.—The State does not—

"(I) reduce the amount, duration, or scope of home and community-based services available under the State plan or waiver (relative to the home and community-based services available under the plan or waiver as of the date on which the State was awarded a planning grant under section 30712 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14';

"(II) reduce payment rates for home and community-based services lower than such rates that were in place as of the date described in subclause (I), including, to the extent applicable, payment rates for such services that are included in managed care capitation rates; or

"(III) except to the extent permitted under clause (ii), adopt more restrictive standards, methodologies, or procedures for determining eligibility, benefits, or services for receipt of home and community-based services, including with respect to cost-sharing, than the standards, methodologies, or procedures applicable as of such date.

"(ii) FLEXIBILITY TO SUPPORT INNOVATIVE MODELS.—A State may make modifications that would otherwise violate the maintenance of effort described in clause (i) if the State demonstrates to the satisfaction of the Secretary that such modifications shall not result in—

"(I) home and community-based services that are less comprehensive or lower in amount, duration, or scope;

"(II) fewer individuals (overall and within particular eligibility groups and categories) receiving home and community-based services; or

"(III) increased cost-sharing for home and community-based services.

"(C) ACCESS TO SERVICES.—Not later than an implementation date as specified by the Secretary after the first day of the first fiscal quarter for which a State receives an increase to the Federal medical assistance percentage or other applicable Federal matching percentage under paragraph (1), the State does all of the following to improve access to services:

"(i) Reduce access barriers and disparities in access or utilization of home and community-based services, as described in the State HCBS improvement plan.

"(ii) Provides coverage of personal care services authorized under subsection (a)(24) for all individuals eligible for medical assistance in the State.

"(iii) Provides for navigation of home and community-based services through 'no wrong door' programs, provides expedited eligibility for home and community-based services, and improves home and community-based services counseling and education programs.

"(iv) Expands access to behavioral health services as defined in the State's HCBS improvement plan.

"(v) Improves coordination of home and community-based services with employment, housing, and transportation supports.

"(vi) Provides supports to family caregivers, such as respite care, caregiver assessments, peer supports, or paid family caregiving.

"(vii) Adopts, expands eligibility for, or expands covered items and services provided under 1 or more eligibility categories authorized under subclause (XIII), (XV), or (XVI) of section 1902(a)(10)(A)(ii).

"(D) STRENGTHENED AND EXPANDED WORKFORCE.—

"(i) IN GENERAL.—The State strengthens and expands the direct care workforce that provides home and community-based services by—

"(I) adopting processes to ensure that payments for home and community-based services are sufficient to ensure that care and services are available to the extent described in the State HCBS improvement plan; and

"(II) updating qualification standards (as appropriate), and developing and adopting training opportunities, for the continuum of providers of home and community-based services, including programs for independent providers of such services and agency direct care workers, as well as unique programs and resources for family caregivers.

"(ii) PAYMENT RATES.—In carrying out clause (i)(I), the State shall—

"(I) update and increase, as appropriate, payment rates for delivery of home and community-based services to support the recruitment and retention of the direct care workforce;

"(II) review and, if necessary to ensure sufficient access to care, increase payment rates for home and community-based services, not less frequently than once every 3 years, through a transparent process involving meaningful input from stakeholders, including recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates; and

"(III) ensure that increases in the payment rates for home and community-based services—

"(aa) at a minimum, results in a proportionate increase to payments for direct care workers and in a manner that is determined with input from the stakeholders described in subclause (II); and

"(bb) incorporate into provider payment rates for home and community-based services provided under this title by a managed care entity (as defined in section 1932(a)(1)(B)) a prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation)), under a contract and paid through capitation rates with the State.

"(3) SELF-DIRECTED MODELS FOR THE DELIVERY OF SERVICES.—As conditions for receipt of the increase under paragraph (1)(B) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall establish directly, or by contract with 1 or more non-profit entities, including an agency with choice or a similar service delivery model, a program for the performance of all of the following functions:

"(A) Registering qualified direct care workers and assisting beneficiaries in finding direct care workers.

"(B) Undertaking activities to recruit and train independent providers to enable beneficiaries to direct their own care, including by providing or coordinating training for beneficiaries on self-directed care.

"(C) Ensuring the safety of, and supporting the quality of, care provided to beneficiaries, such as by conducting background checks and addressing complaints reported by recipients of home and community-based services consistent with Fair Hearing requirements and prior notice of service reductions, including under subpart F of part 438 of title 42, Code of Federal Regulations and section 438.71(d) of such title.

"(D) Facilitating coordination between State and local agencies and direct care workers for matters of public health, training opportunities, changes in program requirements, workplace health and safety, or related matters.

"(E) Supporting beneficiary hiring, if selected by the beneficiary, of independent providers of home and community-based services, including by processing applicable tax information, collecting and processing timesheets, submitting claims and processing payments to such providers.

"(F) To the extent a State permits beneficiaries to hire a family member or individual with whom they have an existing relationship to provide home and community-based service, providing support to beneficiaries who wish to hire a caregiver who is a family member or individual with whom they have an existing relationship, such as by facilitating enrollment of such family member or individual as a provider of home and community-based services under the State plan or a waiver of such plan.

"(G) Ensuring that such programs do not discriminate against labor organizations or workers who may join or decline to join a labor organization.

"(4) REPORTING AND OVERSIGHT.—As conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

"(A) The State designates (by a date specified by the Secretary) an HCBS ombudsman office that—

"(i) operates independently from the State Medicaid agency and managed care entities;

"(ii) provides direct assistance to recipients of home and community-based services available under the State Medicaid program and their families; and

"(iii) identifies and reports systemic problems to State officials, the public, and the Secretary.

"(B) Beginning with the 5th fiscal quarter for which the State is an HCBS program improvement State, and annually thereafter, the State reports to the Secretary on the state (as of the last quarter before the report) of the components of the home and community-based services landscape described in the State HCBS improvement plan, including with respect to—

"(i) the availability and utilization of home and community-based services, disaggregated (to the extent available and as applicable) by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting;

"(ii) wages, benefits, turnover and vacancy rates for the direct care workforce;

"(iii) changes in payment rates for home and community-based services;

"(iv) implementation of the activities to strengthen and expand access to home and community-based services and the direct care workforce that provides such services in accordance with the requirements of subparagraphs (C) and (D) of paragraph (2);

"(v) if applicable, implementation of the activities described in paragraph (3);

"(vi) State expenditures for home and community-based services under the State plan or a waiver of such plan as a proportion of the total amount of State expenditures under the plan or waiver of such plan for long-term services and supports; and

"(vii) the challenges in, and best practices for, expanding access to home and community-based services, reducing disparities, and supporting and expanding the direct care workforce.

"(5) BENCHMARKS FOR DEMONSTRATING IMPROVEMENTS.—An HCBS program improvement State shall cease to be eligible for an increase in the Federal medical assistance percentage under paragraph (1)(A)(i) or (1)(B) or an increase in an applicable Federal matching percentage under paragraph (1)(A)(ii) at any time or beginning with the 29th fiscal quarter that begins on or after the first date on which a State is an HCBS program

improvement State if the State is found to be out of compliance with paragraph (2)(B) or any other requirement of this subsection and, beginning with such 29th fiscal quarter, unless, not later than 90 days before the first day of such fiscal quarter, the State submits to the Secretary a report demonstrating the following improvements:

"(A) Increased availability (above a marginal increase) of home and community-based services in the State relative to such availability as reported in the State HCBS improvement plan and adjusted for demographic changes in the State since the submission of such plan.

"(B) Reduced disparities in the utilization and availability of home and community-based services relative to the availability and utilization of such services by such populations as reported in such plan according to age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting (to the extent available and applicable), and adjusted for demographic changes in the State since the submission of such plan.

"(C) Evidence that rates are sufficient to ensure access to items and services for individuals eligible for HCBS in such State.

"(D) With respect to the percentage of expenditures made by the State for long-term services and supports that are for home and community-based services, in the case of an HCBS program improvement State for which such percentage (as reported in the State HCBS improvement plan) was—

"(i) less than 50 percent, the State demonstrates that the percentage of such expenditures has increased to at least 50 percent since the plan was approved; and

"(ii) at least 50 percent, the State demonstrates that such percentage has not decreased since the plan was approved.

"(6) DEFINITIONS.—In this subsection, the terms 'State Medicaid plan', 'direct care worker', 'HCBS program improvement State', and 'home and community-based services' have the meaning given those terms in section 30711 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.".

SEC. 30714. FUNDING FOR TECHNICAL ASSISTANCE AND OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO MEDICAID HCBS.

(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, $35,000,000, to remain available until expended, to carry out the following activities:

(1) To prepare and submit to the appropriate committees of Congress—

(A) not later than 4 years after the date of enactment of this Act, a report that includes—

(i) a description of the HCBS improvement plans approved by the Secretary under section 30712(d);

(ii) a description (which may be a narrative report with examples or otherwise) of the landscape, at both the national and State levels, with respect to gaps in coverage of home and community-based services, disparities in access to, and utilization of, such services, and barriers to accessing such services; and

(iii) a description of the national landscape with respect to the direct care workforce that provides home and community-based services, including with respect to wages, benefits, and challenges to the availability of such workers; and

(B) not later than 7 years after the date of enactment of this Act, and every 3 years thereafter, a report that includes—

(i) the number of HCBS program improvement States;

(ii) a summary of the progress being made by such States with respect to strengthening and expanding access to home and community-based services and the direct care workforce that provides such services and meeting the benchmarks for demonstrating improvements required under section 1905(jj)(5) of the Social Security Act (as added by section 30713);

(iii) a summary of States' performance measures as a part of the home and community-based services core quality measures and beneficiary and family caregiver surveys; and

(iv) a summary of the challenges and best practices reported by States in expanding access to home and community-based services and supporting and expanding the direct care workforce that provides such services.

(2) To provide HCBS program improvement States with technical assistance related to carrying out the HCBS improvement plans approved by the Secretary under section 30712(d) and meeting the requirements and benchmarks for demonstrating improvements required under section 1905(jj) of the Social Security Act (as added by section 30713), and to issue such guidance or regulations as necessary to carry out this subtitle and the amendments made by this subtitle, including guidance specifying how States shall assess and track access to home and community-based services over time.

SEC. 30715. FUNDING FOR HCBS QUALITY MEASUREMENT AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended—

(1) in section 1139A—

(A) in subsection (a)(4)(B)—

(i) by striking "Beginning with the annual State report on fiscal year 2024" and inserting the following: "(i) IN GENERAL.—Subject to clause (ii), beginning with the annual State report on fiscal year 2024"; and

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

"(ii) REPORTING HCBS QUALITY MEASURES.—With respect to reporting on information regarding the quality of home and community-based services provided to children under title XIX, beginning with the annual State report for the first fiscal year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based services quality measures developed under subsection (b)(5)(B) the Secretary shall require States to report such information using the standardized format for reporting information and procedures developed under subparagraph (A) and using such home and community-based quality measures developed under subsection (b)(5) (including any updates or changes to such measures).''; and

(B) in subsection (b)(5)—

(i) by striking "Beginning no later than January 1, 2013" and inserting the following:

"(A) IN GENERAL.—Beginning no later than January 1, 2013"; and

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

"(B) HCBS QUALITY MEASURES.—Beginning with the first year that begins on the date that is 2 years after the date of enactment of this subparagraph, the core measures described in subsection (a) (and any updates or changes to such measures) shall include home and community-based services quality measures developed by the Secretary in the manner described in section 1139B(b)(5)(D). The Secretary may determine which measures are to be included in the core set under this section and which in the core set under section 1139B, based on the differences in health care needs for the relevant populations.''; and

(2) in section 1139B—

(A) in subsection (b)—

(i) in paragraph (3), by adding at the end the following new subparagraph:

"(C) MANDATORY REPORTING WITH RESPECT TO HCBS QUALITY MEASURES.—Beginning with the State report required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based quality measures developed under paragraph (5)(D), the Secretary shall require States to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of home and community-based services for Medicaid eligible adults using either—

"(i) the home and community-based services quality measures included in the core set of adult health quality measures under subparagraph (D), and any updates or changes to such measures; or

"(ii) an equivalent alternative set of home and community-based services quality measures approved by the Secretary."; and

(ii) in paragraph (5), by adding at the end the following new subparagraph:

"(D) HCBS QUALITY MEASURES.—

"(i) IN GENERAL.—Beginning with respect to State reports required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date of enactment of this subparagraph, the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include home and community-based services quality measures developed in accordance with this subparagraph.

"(ii) REQUIREMENTS.—

"(I) INTERAGENCY COLLABORATION; STAKEHOLDER INPUT.—In developing (and subsequently reviewing and updating) the home and community-based services quality measures included in the core set of adult health quality measures maintained under this paragraph, the Secretary shall—

"(aa) collaborate with the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Administration for Community Living, the Director of the Agency for Healthcare Research and Quality, and the Assistant Secretary for Mental Health and Substance Use; and

"(bb) ensure that such home and community-based services quality measures are informed by input from stakeholders, including recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

"(II) REFLECTIVE OF FULL ARRAY OF SERVICES.—Such home and community-based services quality measures shall—

"(aa) reflect the full array of home and community-based services and recipients of such services; and

"(bb) include—

"(AA) outcomes-based measures;

"(BB) measures of availability of services;

"(CC) measures of provider capacity and availability;

"(DD) measures related to person-centered care;

"(EE) measures specific to self-directed care;

"(FF) measures related to transitions to and from institutional care; and

"(GG) beneficiary and family caregiver surveys.

"(III) DEMOGRAPHICS.—Such home and community-based services quality measures shall allow for the collection, to the extent available, of data that is disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

"(IV) DEFINITIONS.—For purposes of this section and section 1139A, the terms 'home and community-based services', 'health plan'; and 'direct care worker' have the meanings given those terms in section 30711 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.

"(iii) FUNDING.—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, to remain available until expended, for carrying out this subparagraph."; and

(B) in subsection (d)(1)(A), by striking "; and" and inserting "and, beginning with the report for the first year that begins after the date that is 2 years after the Secretary publishes the home and community-based quality measures developed under subsection (b)(5)(D), home and community-based services quality measures included in the core set of adult health quality measures maintained under subsection (b)(5) and any updates or changes to such measures or an equivalent alternative set of home and community-based services quality measures approved by the Secretary; and".

(b) INCREASED FEDERAL MATCHING RATE FOR ADOPTION AND REPORTING.—

(1) IN GENERAL.—Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(A) in subparagraph (F)(ii), by striking "plus" after the semicolon and inserting "and"; and

(B) by inserting after subparagraph (F), the following:

"(G) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1139A(a)(4)(B)(ii) and 1139B(b)(3)(C); and".

(2) EXEMPTION FROM TERRITORIES' PAYMENT LIMITS.—Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph:

"(C) ADDITIONAL EXEMPTION RELATING TO HCBS QUALITY REPORTING.—Payments under section 1903(a)(3)(G) shall

not be taken into account in applying payment limits under subsection (f) and this subsection.".

PART 3—OTHER MEDICAID

SEC. 30721. PERMANENT EXTENSION OF MEDICAID PROTECTIONS AGAINST SPOUSAL IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking "(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)" and inserting the following: "is eligible for medical assistance for home and community-based services provided under subsection (c), (d), or (i) of section 1915 or under a waiver approved under section 1115, or who is eligible for such medical assistance by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1915(k)".

SEC. 30722. PERMANENT EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) IN GENERAL.—Subsection (h) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by inserting "and" after the semicolon;

(B) by amending subparagraph (J) to read as follows:

"(J) $450,000,000 for each fiscal year after fiscal year 2021."; and

(C) by striking subparagraph (K);

(2) in paragraph (2), by striking "September 30, 2023" and inserting "September 30 of the subsequent fiscal year"; and

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

"(3) TECHNICAL ASSISTANCE.—Out of the amounts made available under paragraph (1), for the 3-year period beginning with fiscal year 2022 and for each subsequent 3-year period, $5,000,000 shall be made available for carrying out subsection (f) and (i).".

(b) REDISTRIBUTION OF UNEXPENDED GRANT AWARDS.—Subsection (e)(2) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following new sentence: "Any portion of a State grant award for a fiscal year under this section that is unexpended by the State at the end of the fourth succeeding fiscal year shall be rescinded by the Secretary and added to the appropriation for the fifth succeeding fiscal year.".

SEC. 30723. EXTENDING CONTINUOUS MEDICAID COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.

(a) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN FOR 12-MONTH PERIOD POST PREGNANCY.—

(1) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(A) by striking "(5) A woman who" and inserting "(5)(A) For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), a woman who"; and

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

"(B) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of this subparagraph), any individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual's eligibility for medical assistance and including during a period of retroactive eligibility under subsection (a)(34)), shall remain eligible, notwithstanding section 1916(c)(3) or any other limitation under this title, for medical assistance through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends, and such medical assistance shall be in accordance with clauses (i) and (ii) of paragraph (16)(B).".

(2) CONFORMING AMENDMENTS.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(A) in section 1902(a)(10), in the matter following subparagraph (G), by striking "(VII) the medical assistance" and all that follows through ", (VIII)" and inserting "(VIII)";

(B) in section 1902(e)(6), by striking "In the case of" and inserting "For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), in the case of";

(C) in section 1902(l)(1)(A), by striking "60-day period" and inserting "12-month period";

(D) in section 1903(v)(4)(A)—

(i) in clause (i), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period)"; and

(ii) in clause (ii), by inserting "and including an individual to whom section 1902(e)(5)(B) applies, in accordance with such section, through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends" before the period at the end; and

(E) in section 1905(a), in the 4th sentence in the matter following paragraph (31), by striking "60-day period" and

inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period)".

(b) TRANSITION FROM STATE OPTION.—Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended by striking "At the option of the State" and inserting "For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), at the option of the State".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made by this section, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 30724. PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(1) in paragraph (12), by inserting "before the date of the enactment of paragraph (17)" after "subsection (a)(10)(A)".

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

"(17) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State plan (or waiver of such State plan) shall provide that an individual who is under the age of 19 and who is determined to be eligible for benefits under a State plan approved under subsection (a)(10)(A) shall remain eligible for such benefits until the earlier of—

"(A) the end of the 12-month period beginning on the date of such determination;

"(B) the time that such individual attains the age of 19; or

"(C) the date that such individual ceases to be a resident of such State.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a)(2) shall apply with respect to eligibility determinations or redeterminations made on or after the date of the enactment of this Act.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under subsection (a)(2), the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 30725. ALLOWING FOR MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE.

The subdivision (A) following paragraph (31) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting "and, beginning on the first day of the first fiscal year quarter that begins one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', except during the 30-day period preceding the date of release of such individual from such public institution" after "medical institution".

SEC. 30726. EXTENSION OF CERTAIN PROVISIONS.

(b) EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(e)(13) of the Social Security Act (42 U.S.C. 1396a(e)(13)) is amended by striking subparagraph (I).

(c) CONFORMING AMENDMENTS FOR ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(1) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2027"; and

(2) by striking "through September 30" and all that follows through "ends on September 30, 2027" and inserting "(but beginning on October 1, 2019,".

Subtitle H—Children's Health Insurance Program

SEC. 30801. PERMANENT EXTENSION OF CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) IN GENERAL.—Section 2104(a)(28) of the Social Security Act (42 U.S.C. 1397dd(a)(28)) is amended to read as follows:

"(28) for fiscal year 2027 and each subsequent year, such sums as are necessary to fund allotments to States under subsection (m).".

(b) ALLOTMENTS.—

(1) IN GENERAL.—Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(i), by striking ",, 2023, and 2027" and inserting "and 2023";

(B) in paragraph (5)—

(i) by striking "(10), or (11)" and inserting "or (10)";

(ii) by striking "for a fiscal year" and inserting "for a fiscal year before 2027"; and

(iii) by striking "2023, or 2027" and inserting "or 2023";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "and ending with fiscal year 2027,"; and

(ii) in the flush left matter at the end, by striking "or fiscal year 2026" and inserting "fiscal year 2026, or a subsequent even-numbered fiscal year";

(D) in paragraph (9)—

(i) by striking "(10), or (11)" and inserting "or (10)"; and

(ii) by striking "2023, or 2027," and inserting "or 2023"; and

(E) by striking paragraph (11).

(2) CONFORMING AMENDMENT.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.

SEC. 30802. PERMANENT EXTENSIONS OF OTHER PROGRAMS AND DEMONSTRATION PROJECTS.

(a) PEDIATRIC QUALITY MEASURES PROGRAM.—Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—

(1) in subparagraph (C), by striking at the end "and";

(2) in subparagraph (D), by striking the period at the end and insert a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) for fiscal year 2028, $15,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)); and

"(F) for a subsequent fiscal year, the amount appropriated under this paragraph for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over such previous fiscal year, for the purpose of carrying out this section (other than subsections (e), (f), and (g)).".

(b) ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(1) in the paragraph heading, by striking "THROUGH SEPTEMBER 30, 2027"; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i)—

(i) by striking "During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2027" and inserting "Beginning on the date of the enactment of the Patient Protection and Affordable Care Act";

(ii) by striking "During the period that begins on October 1, 2019, and ends on September 30, 2027" and inserting "Beginning on October 1, 2019"; and

(iii) by striking "The preceding sentences shall not be construed as preventing a State during any such periods from" and inserting "The preceding sentences shall not be construed as preventing a State from";

(B) in clause (i), by striking the semicolon at the end and inserting a period;

(C) by striking clauses (ii) and (iii); and

(D) by striking "periods from" and all that follows through "applying eligibility standards" and inserting "periods from applying eligibility standards".

(c) QUALIFYING STATES OPTION.—Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(1) in the paragraph heading, by striking "FOR FISCAL YEARS 2009 THROUGH 2027" and inserting "AFTER FISCAL YEAR 2008"; and

(2) in subparagraph (A), by striking "for any of fiscal years 2009 through 2027" and inserting "for any fiscal year after fiscal year 2008".

(d) OUTREACH AND ENROLLMENT PROGRAM.—Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "during the period of fiscal years 2009 through 2027" and inserting ", beginning with fiscal year 2009,";

(B) in paragraph (2)—

(i) by striking "10 percent of such amounts" and inserting "10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated"; and

(ii) by striking "during such period" and inserting ", during such period or such fiscal year,"; and

(C) in paragraph (3), by striking "For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts" and inserting "Beginning with fiscal year 2024, an amount equal to 10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated"; and

(2) in subsection (g)—

(A) by striking "2017,," and inserting "2017,";

(B) by striking "and $48,000,000" and inserting "$48,000,000"; and

(C) by inserting after "through 2027" the following: ", $60,000,000 for fiscal years 2028, 2029, and 2020, for each 3 fiscal years after fiscal year 2030, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price

index for all urban consumers (all items; United States city average) over such previous fiscal year".

(e) CHILD ENROLLMENT CONTINGENCY FUND.—Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii)—

(i) by striking "and 2024 through 2026" and inserting "beginning with fiscal year 2024"; and

(ii) by striking "2023, and 2027" and inserting "and 2023"; and

(B) in subparagraph (B)—

(i) by striking "2024 through 2026" and inserting "beginning with fiscal year 2024"; and

(ii) by striking "2023, and 2027" and inserting "and 2023"; and

(2) in paragraph (3)(A)—

(A) by striking "fiscal years 2024 through 2026" and inserting "fiscal year 2024 or any subsequent fiscal year"; and

(B) by striking "2023, or 2027" and inserting "or 2023".

SEC. 30803. STATE OPTION TO INCREASE CHILDREN'S ELIGIBILITY FOR MEDICAID AND CHIP.

(a) IN GENERAL.—Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(1) in subclause (II), by striking "or" at the end;

(2) in subclause (III), by striking "and" at the end and inserting "or"; and

(3) by inserting after subclause (III) the following new subclause:

"(IV) at the option of the State, whose family income exceeds the maximum income level otherwise established for children under the State child health plan as of the date of the enactment of this subclause; and".

(b) TREATMENT OF TERRITORIES.—Section 2104(m)(7) of the Social Security Act (42 U.S.C. 1397dd(m)(7)) is amended—

(1) in the matter preceding subparagraph (A), by striking "the 50 States or the District of Columbia" and inserting "a State (including the District of Columbia and each commonwealth and territory)";

(2) in subparagraph (B)(ii), by striking "or District"; and

(3) in the matter following subparagraph (B), by striking each place it occurs "or District".

SEC. 30804. EXTENDING CONTINUOUS CHIP COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.

(a) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN FOR 12-MONTH PERIOD POST PREGNANCY.—

(1) IN GENERAL.—Section 2107(e)(1)(J) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(J)) is amended—

(A) by striking "Paragraphs (5) and (16)" and inserting "(I) For any fiscal year quarter with respect to which the amendments made by section 30804(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first

fiscal year quarter beginning one year after the date of the enactment of such Act), paragraphs (5)(A) and (16)"; and

(B) by adding at the end the following new clause:

"(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of this clause), section 1902(e)(5)(B) (requiring, notwithstanding section 2103(e)(3)(C)(ii)(I) or any other limitation under this title, continuous coverage for pregnant and postpartum individuals, including 12 months postpartum, of medical assistance) if the State provides child health assistance for targeted low-income children who are pregnant or to targeted low-income pregnant women, under the State child health plan or waiver, including coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver).".

(2) CONFORMING AMENDMENTS.—Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by inserting "and includes, through application of section 1902(e)(5)(B) pursuant to section 2107(e)(1)(J)(ii), continuous coverage for pregnant and postpartum individuals, including 12 months postpartum of assistance" before the period at the end; and

(ii) in paragraph (2), by striking "60-day period" and all that follows through "ends" and inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30804(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period) (beginning on the last day of her pregnancy) ends"; and

(B) in subsection (f)(2), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30804(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to child health assistance and pregnancy-related assistance, as applicable, provided on or after such date.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) that the Secretary of Health and

Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under this section, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 30805. PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.

Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(1) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(2) by inserting after subparagraph (J) the following new subparagraph:

"(K) Section 1902(e)(17) (relating to 1 year of continuous eligibility for children).".

Subtitle I—Medicare Coverage of Dental, Hearing, and Vision Services

SEC. 30901. PROVIDING COVERAGE FOR DENTAL AND ORAL HEALTH CARE UNDER THE MEDICARE PROGRAM.

(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 (lll));".

(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"(lll) DENTAL AND ORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The term 'dental and oral health services' means items and services (other than such items and services for which payment may be made under part A as inpatient hospital services) that are furnished during 2028 or a subsequent year, for which coverage was not provided under part B as of the date of the enactment of this subsection, and that are—

"(A) the preventive and screening services described in paragraph (2) 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 (4)); or

"(B) the basic treatments specified for such year by the Secretary pursuant to paragraph (3)(A) and the major treatments specified for such year by the Secretary pursuant to paragraph (3)(B) furnished by such a doctor or such a professional.

"(2) PREVENTIVE AND SCREENING SERVICES.—The preventive and screening services described in this paragraph are the following:

"(A) Oral exams.

"(B) Dental cleanings.

"(C) Dental x-rays performed in the office of a doctor or professional described in paragraph (1)(A).

"(D) Fluoride treatments.

"(3) BASIC AND MAJOR TREATMENTS.—For 2028 and each subsequent year, the Secretary shall specify—

"(A) basic treatments (which may include basic tooth restorations, basic periodontal services, tooth extractions, and oral disease management services); and

"(B) major treatments (which may include major tooth restorations, major periodontal services, bridges, crowns, and root canals);

that shall be included as dental and oral health services for such year.

"(4) 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. 1395l(a)(1)), as amended by section 30511(b), is further amended—

(A) in subparagraph (N), by inserting "and dental and oral health services (as defined in section 1861(lll))" after "section 1861(hhh)(1))";

(B) by striking "and" before "(EE)"; and

(C) by inserting before the semicolon at the end the following: "and (FF) with respect to dental and oral health services (as defined in section 1861(lll)), the amount paid shall be the payment amount specified under section 1834(z)".

(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:

"(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—

"(1) IN GENERAL.—The payment amount under this part for dental and oral health services (as defined in section 1861(lll)) shall be, subject to paragraph (3), the applicable percent (specified in paragraph (2)) of the lesser of—

"(A) the actual charge for the service; or

"(B) the amount determined under the payment basis determined under section 1848 for the service, or, in lieu of such amount, if determined appropriate by the Secretary, an amount specified by the Secretary for such service under a fee schedule determined appropriate by the Secretary, taking into account fee schedules for such services—

"(i) under the TRICARE program under chapter 55 of title 10 of the United States Code;

"(ii) under the health insurance program under chapter 89 of title 5 of such Code;

"(iii) under State plans (or waivers of such plans) under title XIX;

"(iv) under Medicare Advantage plans under part C;

"(v) established by the Secretary of Veterans Affairs; and

"(vi) established by other health care payers.

"(2) APPLICABLE PERCENT.—For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(lll)) furnished in a year—

"(A) that are preventive and screening services described in paragraph (2) or basic treatments specified for such year pursuant to paragraph (3)(A) of such section, 80 percent; and

"(B) that are major treatments specified for such year pursuant to paragraph (3)(B) of such section—

"(i) in the case such services are furnished during 2028, 10 percent;

"(ii) in the case such services are furnished during 2029 or a subsequent year before 2032, the applicable percent specified under this subparagraph for the previous year, increased by 10 percentage points; and

"(iii) in the case such services are furnished during 2032 or a subsequent year, 50 percent.

"(3) LIMITATIONS.—With respect to dental and oral health services that are—

"(A) preventive and screening oral exams, payment may be made under this part for not more than two such exams during a 12-month period;

"(B) dental cleanings, payment may be made under this part for not more than two such cleanings during a 12-month period; and

"(C) not described in subparagraph (A) or (B), payment may be made under this part only at such frequencies and under such circumstances determined appropriate by the Secretary.

"(4) USE OF BUNDLED PAYMENTS.—The Secretary may make payment for dentures and associated professional services, and for any other dental and oral health services, as bundled payments as the Secretary determines appropriate.

"(5) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 or otherwise of—

"(A) the determination of payment amounts under this subsection for dental and oral health services and under subsection (h)(6) or subsection (z)(4) for dentures;

"(B) the determination of what services are basic and major services under subparagraphs (A) and (B) of section 1861(lll)(3); or

"(C) the determination of the frequency and circumstance limitations for dental and oral health services under paragraph (3)(C).".

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—

(1) IN GENERAL.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(2)(II)," before "(3)".

(2) EXCLUSION FROM MIPS.—Section 1848(q)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(q)(1)(C)(ii)) is amended—

(A) in subclause (II), by striking "or" at the end;

(B) in subclause (III), by striking the period at the end and inserting "; or"; and

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

"(IV) with respect to 2028 and each subsequent year, is a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or is an oral health professional (as defined in section 1861(lll)(4)).".

(3) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) With respect to 2028 and each subsequent year, an oral health professional (as defined in section 1861(lll)(4)).".

(e) DENTURES.—

(1) IN GENERAL.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended—

(A) by striking "(other than dental)"; and

(B) by inserting "and excluding dental, except for a full or partial set of dentures (as described in section 1834(h)(6)) furnished on or after January 1, 2028" after "colostomy care".

(2) SPECIAL PAYMENT RULES.—

(A) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

"(6) SPECIAL PAYMENT RULE FOR DENTURES.—Payment may be made under this part with respect to an individual for dentures—

"(A) not more than once during any 5-year period (except in the case that a doctor described in section 1861(lll)(1)(A) determines such dentures do not fit the individual); and

"(B) only to the extent that such dentures are furnished pursuant to a written order of such a doctor or professional.".

(B) APPLICATION OF COMPETITIVE ACQUISITION.—

(i) IN GENERAL.—Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(I) in the subparagraph heading, by inserting ", DENTURES" after "ORTHOTICS";

(II) by inserting ", of dentures described in paragraph (2)(D) of such section," after "2011,"; and

(III) in clause (i), by inserting ", such dentures" after "orthotics".

(ii) CONFORMING AMENDMENT.—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:

"(D) DENTURES.—Dentures described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).".

(iii) 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) CERTAIN DENTURES.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.".

(f) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (O), by striking "and" at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting ", and"; 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)) that are preventive and screening services described in paragraph (2) of such section, which are furnished more frequently than provided under section 1834(z)(3) or under circumstances other than circumstances determined appropriate under subparagraph (C) of such section;"; and

(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment may be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II) and for dentures under section 1861(s)(8)".

(g) CERTAIN NON-APPLICATION.—

(1) IN GENERAL.—Paragraphs (1) and (4) of section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) are amended by adding at the end of each such paragraphs the following: "In applying this paragraph there shall not be taken into account benefits and administrative costs attributable to the amendments made by section 30901 (other than subsection (g)) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' and the Government contribution under section 1844(a)(5)".

(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (4), by striking the period at the end and inserting "; plus";

(B) by adding at the end the following new paragraph: "(5) a Government contribution equal to the amount that is estimated to be payable for benefits and related administrative costs incurred that are attributable to the amendments made by section 30901 (other than subsection (g)) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ."; and

(C) in the flush matter at the end, by striking "paragraph (4)" and inserting "paragraphs (4) and (5)".

(h) IMPLEMENTATION.—

(1) FUNDING.—

(A) IN GENERAL.—In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of—

(i) $20,000,000 for each of fiscal years 2022 through 2028 for purposes of implementing the amendments made by this section; and

(ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments.

(B) AVAILABILITY AND ADDITIONAL USE OF FUNDS.—Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 30902 and 30903.

(2) ADMINISTRATION.—The Secretary may implement, by program instruction or otherwise, any of the provisions of, or amendments made by, this section.

(3) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the provisions of, or the amendments made by, this section.

SEC. 30902. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AURAL REHABILITATION AND TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.—Section 1861(ll)(3) of the Social Security Act (42 U.S.C. 1395x(ll)(3)) is amended by inserting "(and, beginning October 1, 2023, such aural rehabilitation and treatment services)" after "assessment services".

(b) COVERAGE OF HEARING AIDS.—

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting ", and including hearing aids (as described in section 1834(h)(7)) furnished on or after October 1, 2023, to individuals diagnosed with profound or severe hearing loss" before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 30901(e)(2)(A), is further amended by adding at the end the following new paragraph:

"(7) LIMITATIONS FOR HEARING AIDS.—

"(A) IN GENERAL.—Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after October 1, 2023—

"(i) not more than once during a 5-year period;

"(ii) only for types of such hearing aids that are not over-the-counter hearing aids (as defined in section 520(q)(1) of the Federal Food, Drug, and Cosmetic Act) and that are determined appropriate by the Secretary; and

"(iii) only if furnished pursuant to a written order of a physician or qualified audiologist (as defined in section 1861(ll)(4)(B)).

"(B) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 or otherwise of—

"(i) the determination of the types of hearing aids paid for under subparagraph (A)(ii); or

"(ii) the determination of fee schedule rates for hearing aids described in this paragraph.".

(3) 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)), as amended by section 30901(e)(2)(B)(i), is further amended—

(i) in the header, by inserting ", HEARING AIDS" after "DENTURES";

(ii) by inserting ", of hearing aids described in paragraph (2)(E) of such section," after "paragraph (2)(D) of such section"; and

(iii) in clause (i), by inserting ", such hearing aids" after "such dentures".

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)), as amended by section 30901(e)(2)(B)(ii), is further amended by adding at the end the following new subparagraph:

"(E) HEARING AIDS.—Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).".

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)), as amended by section 30901(e)(2)(B)(iii), is further amended by adding at the end the following new subparagraph:

"(D) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(E) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.".

(4) INCLUSION OF AUDIOLOGISTS AS CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 30901(d)(4), is further amended by adding at the end the following new clause:

"(viii) Beginning October 1, 2023, a qualified audiologist (as defined in section 1861(ll)(4)(B)).".

(c) EXCLUSION MODIFICATION.—Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(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) CERTAIN NON-APPLICATION.—

(1) IN GENERAL.—The last sentence of section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)), as added by section 30901(g)(1), is amended by striking "section 30901 (other than subsection (g))" and inserting "sections 30901 (other than subsection (g)), 30902 (other than subsection (d))".

(2) PAYMENT.—Paragraph (4) of section 1844(a) of such Act (42 U.S.C. 1395w(a)), as added by section 30901(g)(2), is amended by striking "section 30901 (other than subsection (g))" and inserting "sections 30901 (other than subsection (g)), 30902 (other than subsection (d))".

(e) IMPLEMENTATION.—

(1) FUNDING.—

(A) IN GENERAL.—In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of—

(i) $20,000,000 for each of fiscal years 2022 through 2023 for purposes of implementing the amendments made by this section; and

(ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments.

(B) AVAILABILITY AND ADDITIONAL USE OF FUNDS.—Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 30901 and 30903.

(2) ADMINISTRATION.—The Secretary may implement, by program instruction or otherwise, any of the provisions of, or amendments made by, this section.

(3) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the provisions of, or the amendments made by, this section.

SEC. 30903. PROVIDING COVERAGE FOR VISION CARE UNDER THE MEDICARE PROGRAM.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 30901(a), is further amended—

(1) in subparagraph (HH), by striking "and" after the semicolon at the end;

(2) in subparagraph (II), by striking the period at the end and adding "; and"; and

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

"(JJ) 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 30901(b), is further amended by adding at the end the following new subsection:

"(mmm) VISION SERVICES.—The term 'vision services' means—

"(1) routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination; and

"(2) contact lens fitting services;

furnished on or after October 1, 2022, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations, procedures, or fitting services (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which the examinations, procedures, or fitting services are furnished.".

(c) PAYMENT LIMITATIONS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 30901(c)(2), is further amended by adding at the end the following new subsection:

"(aa) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mmm)) and an individual, payment may be made under this part for only 1 routine eye examination described in paragraph (1) of such section and 1 contact lens fitting service described in paragraph (2) of such section during a 2-year period.".

(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)), as amended by section 30901(d)(1), is further amended by inserting "(2)(JJ)," before "(3)".

(e) COVERAGE OF CONVENTIONAL EYEGLASSES AND CONTACT LENSES.—

(1) IN GENERAL.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)), as amended by section 30902(b)(1), is further amended by striking ", and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens" and inserting ", including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens, if furnished before October 1, 2022, and including conventional eyeglasses or contact lenses (as described in section 1834(h)(8)), whether or not furnished subsequent to such a surgery, if furnished on or after October 1, 2022".

(2) CONFORMING AMENDMENT.—Section 1842(b)(11)(A) of the Social Security Act (42 U.S.C. 1395u(b)(11)(A)) is amended by

inserting "furnished prior to October 1, 2022," after "relating to them,".

(f) SPECIAL PAYMENT RULES FOR EYEGLASSES AND CONTACT LENSES.—

(1) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 30901(e)(2)(A) and section 30902(b)(2), is further amended by adding at the end the following new paragraph:

"(8) PAYMENT LIMITATIONS FOR EYEGLASSES AND CONTACT LENSES.—

"(A) IN GENERAL.—With respect to eyeglasses and contact lenses furnished to an individual on or after October 1, 2022, subject to subparagraph (B), payment may be made under this part only—

"(i) during a 2-year period, for either 1 pair of eyeglasses (including lenses and frames) or not more than a 2-year supply of contact lenses;

"(ii) with respect to amounts attributable to the lenses and frames of such a pair of eyeglasses or amounts attributable to such a 2-year supply of contact lenses, in an amount not greater than—

"(I) for a pair of eyeglasses furnished in, or a 2-year supply of contact lenses beginning in, 2022—

"(aa) $85 for the lenses of such pair of eyeglasses and $85 for the frames of such pair of eyeglasses; or

"(bb) $85 for such 2-year supply of contact lenses; and

"(II) for the lenses and frames of a pair of eyeglasses furnished in, or a 2-year supply of contact lenses beginning in, a subsequent year, the dollar amounts specified under this subparagraph for the previous year, increased by the percentage change in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year;

"(iii) if furnished pursuant to a written order of an ophthalmologist or optometrist described in subsection (mmm); and

"(iv) if during the 2-year period described in clause (i), the individual did not already receive (as described in subparagraph (B)) one pair of conventional eyeglasses or contact lenses subsequent to a cataract surgery with insertion of an intraocular lens furnished during such period.

"(B) EXCEPTION.—With respect to a 2-year period described in subparagraph (A)(i), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, notwithstanding subparagraph (A), payment may be made under this part for one pair of conventional eyeglasses or contact lenses furnished subsequent to such cataract surgery during such period.

"(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 or otherwise of—

"(i) the determination of the types of eyeglasses and contact lenses covered under this paragraph; or

"(ii) the determination of fee schedule rates under this subsection for eyeglasses and contact lenses.".

(2) 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)), as amended by section 30901(e)(2)(B)(i) and section 30902(b)(3)(A), is further amended—

(i) in the header by inserting ", EYEGLASSES, AND CONTACT LENSES" after "HEARING AIDS";

(ii) by inserting "and of eyeglasses and contact lenses described in paragraph (2)(F) of such section," after "paragraph (2)(E) of such section,"; and

(iii) in clause (i), by inserting ", or such eyeglasses and contact lenses" after "such hearing aids".

(B) CONFORMING AMENDMENT.—

(i) IN GENERAL.—Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)), as amended by section 30901(e)(2)(B)(ii) and section 30902(b)(3)(B)(i), is further amended by adding at the end the following new subparagraph:

"(F) EYEGLASSES AND CONTACT LENSES.—Eyeglasses and contact lenses described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h).".

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)), as amended by section 30901(e)(2)(B)(iii) and section 30902(b)(3)(B)(ii), is further amended by adding at the end the following new subparagraph:

"(E) CERTAIN EYEGLASSES AND CONTACT LENSES.—Those items and services described in paragraph (2)(F) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.".

(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 30901(f), is further amended—

(1) in paragraph (1)—

(A) in subparagraph (P), by striking "and" at the end;

(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:

"(R) in the case of vision services (as defined in section 1861(mmm)) that are routine eye examinations and contact lens fitting services (as described in paragraph (1) or (2), respectively, of such section), which are furnished more frequently than once during a 2-year period;"; and

(2) in paragraph (7)—

(A) by inserting "(other than such an examination that is a vision service that is covered under section 1861(s)(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(s)(2)(JJ))" after "refractive state of the eyes".

(h) CERTAIN NON-APPLICATION.—

(1) IN GENERAL.—The last sentence of section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)), as added by section 30901(g)(1) and amended by section 30902(d)(1), is further amended by inserting ", and 30903 (other than subsection (h))" after "30902 (other than subsection (d))".

(2) PAYMENT.—Paragraph (4) of section 1844(a) of such Act (42 U.S.C. 1395w(a)), as added by section 30901(g)(2) and amended by section 30902(d)(2), is further amended by inserting ", and 30903 (other than subsection (h))" after "30902 (other than subsection (d))".

(i) IMPLEMENTATION.—

(1) FUNDING.—

(A) IN GENERAL.—In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of—

(i) $20,000,000 for each of fiscal years 2022 and 2023 for purposes of implementing the amendments made by this section; and

(ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments.

(B) AVAILABILITY AND ADDITIONAL USE OF FUNDS.—Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 30901 and 30902.

(2) ADMINISTRATION.—The Secretary may implement, by program instruction or otherwise, any of the provisions of, or amendments made by, this section.

(3) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the provisions of, or the amendments made by, this section.

Subtitle J—Public Health

PART 1—HEALTH CARE INFRASTRUCTURE AND WORKFORCE

SEC. 31001. FUNDING TO SUPPORT CORE PUBLIC HEALTH INFRASTRUCTURE FOR STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until expended, to carry out, acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the "Director"), activities described in subsection (b).

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used to support core public health infrastructure activities to strengthen the public health system of the United States, including by awarding grants under this section and expanding and improving activities of the Centers for Disease Control and Prevention under subsections (c) and (d).

(c) GRANTS.—

(1) AWARDS.—For the purpose of addressing core public health infrastructure needs, the Secretary shall award—

(A) a grant to each State or territorial health department, and to local health departments that serve counties with a population of at least 2,000,000 or cities with a population of at least 400,000 people; and

(B) grants on a competitive basis to State, territorial, local, or Tribal health departments.

(2) ALLOCATION.—Of the total amount of funds awarded as grants under this subsection for a fiscal year—

(A) not less than 50 percent shall be for grants to health departments under paragraph (1)(A); and

(B) not less than 25 percent shall be for grants to State, local, territorial, or Tribal health departments under paragraph (1)(B).

(3) REQUIRED USES.—

(A) REALLOCATION TO LOCAL HEALTH DEPARTMENTS.—A State health department receiving funds under subparagraph (A) or (B) of paragraph (1) shall allocate at least 25 percent of the such funds to local health departments, as applicable, within the State to support contributions of the local health departments to core public health infrastructure.

(B) PROGRESS IN MEETING ACCREDITATION STANDARDS.—A health department receiving funds under this section that is not accredited shall report to the Secretary on an annual basis how the department is working to meet accreditation standards.

(4) FORMULA GRANTS TO HEALTH DEPARTMENTS.—In awarding grants under paragraph (1), the Secretary shall award

funds to each health department in accordance with a formula which considers population size, the Social Vulnerability Index of the Centers for Disease Control and Prevention, and other factors as determined by the Secretary.

(5) COMPETITIVE GRANTS TO STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.—In making grants under paragraph (1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs for all public health agencies in the applicant's jurisdiction.

(6) PERMITTED USES.—

(A) IN GENERAL.—The Secretary may make available a subset of the funds available for grants under paragraph (1) for purposes of awarding grants to State, territorial, local, and Tribal health departments for planning or to support public health accreditation.

(B) USES.—Recipients of such grants may use the grant funds to assess core public health infrastructure needs and report to the Centers for Disease Control and Prevention on efforts to achieve accreditation, as applicable.

(7) REQUIREMENTS.—To be eligible for a grant under this section, an entity shall—

(A) submit an application in such form and containing such information as the Secretary shall require;

(B) demonstrate to the satisfaction of the Secretary that—

(i) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(ii) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for fiscal year 2019; and

(C) agree to report annually to the Director regarding the use of the grant funds.

(d) CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR THE CDC.—

(1) IN GENERAL.—The Secretary, acting through the Director, shall expand and improve the core public health infrastructure and activities of the Centers for Disease Control and Prevention to support activities necessary to address unmet, ongoing, and emerging public health needs, including prevention, preparation for, and response to public health emergencies.

(2) LIMITATION.—Out of amounts appropriated under subsection (a) to carry out this section for a fiscal year, not more than 25 percent of the funds awarded per fiscal year may be used by the Centers for Disease Control and Prevention to carry out this subsection.

(e) DEFINITION.—In this section, the term "core public health infrastructure" includes—

(1) workforce capacity and competency;

(2) laboratory systems;

(3) all hazards public health and preparedness;

(3) testing capacity, including test platforms, mobile testing units, and personnel;

(4) health information, health information systems, and health information analysis;

(5) disease surveillance;

(6) contact tracing;

(7) communications;

(8) financing;

(9) other relevant components of organizational capacity; and

(10) other related activities.

(f) SUPPLEMENT NOT SUPPLANT.—Amounts made available by this section shall be used to supplement, and not supplant, amounts otherwise made available for the purposes described in this Act.

SEC. 31002. FUNDING FOR HOSPITAL INFRASTRUCTURE.

(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, $10,000,000,000, to remain available until expended, to carry out subsection (b) consistent with enhancing the goals of parts B and C of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.).

(b) USE OF FUNDS.—From amounts made available under subsection (a), the Secretary shall, with priority given to applicants whose projects will include, by design, public health emergency preparedness, natural disaster emergency preparedness, or cybersecurity against cyber threats, award grants to entities described in section 1610(a) of the Public Health Service Act (42 U.S.C. 300r(a)) for purposes of increasing capacity and updating hospitals and other medical facilities in order to better serve communities in need.

(c) CONDITIONS.—The following requirements of parts B and C of title XVI of the Public Health Service Act (42 U.S.C. 300r et seq.) shall apply to funds made available under this section:

(1) The requirements related to reasonable volume of care described under section 1621(b)(1)(K)(ii) of such Act (42 U.S.C. 300s–1(b)(1)(K)(ii)).

(2) Section 1621(b)(1)(I) of such Act (42 U.S.C. 300s–1(b)(1)(I)).

(3) Any other provision of such parts that the Secretary determines (as prescribed by regulation) to be appropriate to carry out this section.

SEC. 31003. FUNDING FOR COMMUNITY HEALTH CENTER CAPITAL GRANTS.

(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, $10,000,000,000, to remain available until expended, for necessary expenses for awarding grants and entering into cooperative agreements for capital projects to health centers funded under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be awarded without regard to the time limitation in subsection (e)(3) and

subsections (e)(6)(A)(iii), (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for necessary expenses for awarding grants and cooperative agreements for capital projects to Federally qualified health centers, as described in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(4)(B)). The Secretary shall take such steps as may be necessary to expedite the awarding of such grants to Federally qualified health centers for capital projects.

(b) USE OF FUNDS.—Amounts made available to a recipient of a grant or cooperative agreement pursuant to subsection (a) shall be used for health center facility alteration, renovation, remodeling, expansion, construction, and other capital improvement costs, including the costs of amortizing the principal of, and paying interest on, loans for such purposes.

SEC. 31004. FUNDING FOR COMMUNITY-BASED CARE INFRASTRUCTURE.

(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, $500,000,000, to remain available until expended, for purposes of making awards to qualified teaching health centers (as defined in section 340H of the Public Health Service Act (42 U.S.C. 256h)), behavioral health care centers (as defined by the Secretary to include both substance abuse and mental health care facilities), and pediatric mental health care providers (as used in section 330M(b)(1)(G) of the Public Health Service Act (42 U.S.C. 254c–19(b)(1)(G))).

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used to support the improvement, renovation, or modernization of infrastructure at such centers, including to respond to public health emergencies declared under section 319 of the Public Health Service Act (42 U.S.C. 247d).

SEC. 31005. FUNDING FOR SCHOOLS OF MEDICINE IN UNDERSERVED AREAS.

(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, $1,000,000,000, to remain available until expended, for purposes of making awards to eligible entities for the establishment, improvement, or expansion of an allopathic or osteopathic school of medicine, or a branch campus of an allopathic or osteopathic school of medicine, consistent with subsection (b).

(b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, with priority given to minority-serving institutions described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and taking into consideration equitable distribution of awards among the geographical regions of the United States (which shall include rural regions and populations as defined by the Secretary for the purposes of this section) and the locations of existing schools of medicine and osteopathic medicine, use amounts appropriated by subsection (a) to award grants to eligible entities to—

(1) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and

health professions), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3))), at a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine;

(2) develop, implement, and expand curriculum that emphasizes care for rural and underserved populations, including accessible and culturally appropriate and linguistically appropriate care and services, at such school or branch campus;

(3) plan and construct a school of medicine or osteopathic medicine in an area in which no other such school or branch campus of such a school is based;

(4) plan, develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of such a school;

(5) hire faculty, including faculty from racial and ethnic groups who are underrepresented among the medical and other health professions, and other staff to serve at such a school or branch campus;

(6) support educational programs at such a school or branch campus, including modernizing curriculum;

(7) modernize and expand infrastructure at such a school or branch campus; or

(8) support other activities that the Secretary determines will further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) BRANCH CAMPUS.—

(A) IN GENERAL.—The term "branch campus", with respect to a school of medicine or osteopathic medicine, means an additional location of such school that is geographically apart and independent of the main campus, at which the school offers at least 50 percent of the program leading to a degree of doctor of medicine or doctor of osteopathy that is offered at the main campus.

(B) INDEPENDENCE FROM MAIN CAMPUS.—For purposes of subparagraph (A), the location of a school described in such subparagraph shall be considered to be independent of the main campus described in such subparagraph if the location—

(i) is permanent in nature;

(ii) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;

(iii) has its own faculty and administrative or supervisory organization; and

(iv) has its own budgetary and hiring authority.

SEC. 31006. FUNDING FOR NURSING EDUCATION ENHANCEMENT AND MODERNIZATION GRANTS IN UNDERSERVED AREAS.

(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, $1,000,000,000, to remain available until expended, for purposes of making awards to schools of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)) to enhance and modernize nursing education programs and increase the number of faculty and students at such schools.

(b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, taking into consideration equitable distribution of awards among the geographical regions of the United States and the capacity of a school of nursing to provide care in underserved areas, shall use amounts appropriated by subsection (a) to award grants for purposes of—

(1) recruiting, enrolling, and retaining students at such school, with a priority for students from disadvantaged backgrounds (including racial or ethnic groups underrepresented in the nursing workforce), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(h)(3)));

(2) creating, supporting, or modernizing educational programs and curricula at such school;

(3) retaining current faculty, and hiring new faculty, with an emphasis on faculty from racial or ethnic groups that are underrepresented in the nursing workforce;

(4) modernizing infrastructure at such school, including audiovisual or other equipment, personal protective equipment, simulation and augmented reality resources, telehealth technologies, and virtual and physical laboratories;

(5) partnering with a health care facility, nurse-managed health clinic, community health center, or other facility that provides health care, in order to provide educational opportunities for the purpose of establishing or expanding clinical education;

(6) enhancing and expanding nursing programs that prepare nurse researchers and scientists;

(7) establishing nurse-led intradisciplinary and interprofessional educational partnerships; or

(8) other activities that the Secretary determines will further the development, improvement, and expansion of schools of nursing.

SEC. 31007. FUNDING FOR TEACHING HEALTH CENTER GRADUATE MEDICAL EDUCATION.

(a) IN GENERAL.—In addition to amounts otherwise available, and notwithstanding the limitations referred to in subsections (b)(2) and (d)(2) of section 340H of the Public Health Service Act (42 U.S.C. 256h), there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000,000, to remain available until expended, for—

(1) the program of payments to teaching health centers that operate graduate medical education programs under such section; and

(2) the award of teaching health center development grants pursuant to section 749A of the Public Health Service Act (42 U.S.C. 293l–1).

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used for the following activities:

(1) For making payments to establish new approved graduate medical residency training programs pursuant to section 340H(a)(1)(C) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(C)).

(2) For making payments under section 340H(a)(1)(A) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(A))) to qualified teaching health centers for maintenance of filled positions at existing approved graduate medical residency training programs.

(3) For making payments under section 340H(a)(1)(B) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(B)) for the expansion of existing approved graduate medical residency training programs.

(4) For making awards under section 749A of the Public Health Service Act (42 U.S.C. 293l–1) to teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

(5) To provide an increase to the per resident amount described in section 340H(a)(2) of the Public Health Service Act (42 U.S.C. 256h(a)(2)).

SEC. 31008. FUNDING FOR CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

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 until expended, for carrying out section 340E of the Public Health Service Act (42 U.S.C. 256e).

SEC. 31009. FUNDING FOR THE NURSE CORPS.

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, $300,000,000, to remain available until expended, for carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n).

PART 2—PANDEMIC PREPAREDNESS

SEC. 31021. FUNDING FOR LABORATORY ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(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, $5,000,000,000 for purposes of carrying out, acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the "Director"), activities described in subsection (b), to remain available until expended.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Supporting renovation, expansion, and modernization of State and local public health laboratory infrastructure (as the term "laboratory" is defined in section 353 of the Public Health Service Act (42 U.S.C. 263a)), including—

(A) increasing and enhancing testing and response capacity;

(B) upgrades and expansion of the Laboratory Response Network for rapid outbreak detection;

(C) improving and expanding genomic sequencing capabilities to detect emerging diseases and variant strains;

(D) expanding biosafety and biosecurity capacity; and

(E) making other laboratory enhancements and modernization as determined by the Director to be important for maintaining public health.

(2) Renovating, expanding, and modernizing laboratories of the Centers for Disease Control and Prevention as described in subparagraphs (A) through (E) of paragraph (1).

(3) Enhancing the ability of the Centers for Disease Control and Prevention to monitor and exercise oversight over biosafety and biosecurity of State and local public health laboratories.

SEC. 31022. FUNDING FOR STRENGTHENING VACCINE CONFIDENCE.

(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, $1,250,000,000, to remain available until expended, to carry out, acting through the Director of the Centers for Disease Control and Prevention, directly or by making grants to public or private entities, activities described in subsection (b) in the United States, including its territories and possessions.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used to—

(1) strengthen vaccine confidence;

(2) strengthen routinely recommended vaccine programs; and

(3) improve rates of vaccination, including through activities described in section 313 of the Public Health Service Act (42 U.S.C. 245).

SEC. 31023. FUNDING FOR SURVEILLANCE ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(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, $1,000,000,000, to remain available until expended, to carry out, acting through the Director of the Centers for Disease Control and Prevention, directly or by making grants to public or private entities, activities described in subsection (b).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used to—

(1) enhance and strengthen early warning and detection systems, including public health and health care surveillance,

wastewater testing, and global and domestic genomic surveillance;

(2) enhance and strengthen surveillance based in hospitals and other health care providers or facilities, and outpatient facility surveillance for severe acute respiratory infection, influenza-like illness, acute febrile illness, and other diseases as determined by the Director of the Centers for Disease Control and Prevention to be in the interest of public health; and

(3) strengthen the antibiotic resistance initiative program to improve research, stewardship, genomic detection capabilities, and surveillance of existing and emerging antimicrobial resistant pathogens.

SEC. 31024. FUNDING FOR DATA MODERNIZATION AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(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, $500,000,000, to remain available until expended—

(1) to carry out, acting through the Director of the Centers for Disease Control and Prevention, directly or by making grants to public or private entities, activities described in subsection (b); and

(2) to supplement other available funds to carry out similar data modernization activities authorized by the Public Health Service Act (42 U.S.C. 201 et seq.).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following:

(1) Supporting public health data surveillance, aggregation, and analytics infrastructure modernization initiatives.

(2) Enhancing reporting and workforce core competencies in informatics and digital health.

(3) Expanding and maintaining efforts to modernize the United States disease warning system to forecast and track hotspots and emerging biological threats.

SEC. 31025. FUNDING FOR PUBLIC HEALTH AND PREPAREDNESS RESEARCH, DEVELOPMENT, AND COUNTERMEASURE CAPACITY.

(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 expended, to carry out activities, acting through the Assistant Secretary for Preparedness and Response, to prepare for, and respond to, public health emergencies declared under section 319 of the Public Health Service Act (42 U.S.C. 247d)—

(1) $3,000,000,000 to support surge capacity, including through construction, expansion, or modernization of facilities, to respond to a public health emergency, for procurement and domestic manufacture of drugs, active pharmaceutical ingredients, vaccines and other biological products, diagnostic technologies and products, personal protective equipment, medical devices, vials, syringes, needles, and other components or supplies for the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b);

(2) $2,000,000,000 to support expanded global and domestic vaccine production capacity, including by developing or acquiring new technology and expanding manufacturing capacity through construction, expansion, or modernization of facilities;

(3) $2,000,000,000 to support activities to mitigate supply chain risks and enhance supply chain elasticity and resilience for critical drugs, active pharmaceutical ingredients, and supplies (including essential medicines, medical countermeasures, and supplies in shortage or at risk of shortage), drug and vaccine raw materials, and other supplies, as the Secretary determines appropriate, including construction, expansion, or modernization of facilities, adoption of advanced manufacturing processes, and other activities to support domestic manufacturing of such supplies;

(4) $500,000,000 to support activities conducted by the Biomedical Advanced Research and Development Authority for advanced research, standards development, and domestic manufacturing capacity for drugs, including essential medicines, diagnostics, vaccines, therapeutics, and personal protective equipment; and

(5) $500,000,000 to support increased biosafety and biosecurity in research on infectious diseases, including by modernization or improvement of facilities.

PART 3—INNOVATION

SEC. 31031. FUNDING FOR ADVANCED RESEARCH PROJECTS FOR HEALTH.

(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, $3,000,000,000, to remain available until expended, to establish the Advanced Research Projects Agency for Health (in this section referred to as the "ARPA–H") for purposes of making pivotal investments in breakthrough technologies and broadly applicable platforms, capabilities, resources, and solutions that have the potential to transform important areas of medicine and health for the benefit of all individuals and that cannot readily be accomplished through traditional biomedical research or commercial activity.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used to—

(1) hire a Director to head the ARPA–H (for a term of no more than 5 years subject to one renewal period); and

(2) acting through the Director of the ARPA–H, in consultation, as applicable, with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the Biomedical Advanced Research and Development Authority, the Deputy Assistant Secretary for Minority Health, and the heads of other agencies, shall—

(A) ensure to the maximum extent practicable that the projects and activities of the ARPA–H funded by subsection (a) are coordinated with, and do not duplicate the efforts of, programs within, or research conducted or sup-

ported by, the Department of Health and Human Services; and

(B) in using amounts made available by subsection (a), expedite the development, application, and implementation of health breakthroughs to prevent, detect, and treat serious or life-threatening diseases, including—

(i) providing awards in the form of grants, contracts, cooperative agreements, prizes, and other transactions (as defined under section 402(n) of the Public Health Service Act (42 U.S.C. 282(n))) to entities to carry out advanced research projects for health, including through multiyear contracts (subject to the availability of funds) and prize competitions;

(ii) developing funding criteria and evaluation criteria to assess projects funded under clause (i);

(iii) establishing metrics or criteria to prioritize investments and research that should be funded under clause (i), including the novelty, scientific, and technical merit of proposed projects, the future commercial applications of projects, and the unmet need within patient populations;

(iv) identifying and promoting potential advances in basic research that will assist in carrying out advanced health research and development;

(v) identifying areas of research and innovation that are high-risk, high-reward or where the incentives of the commercial market are unlikely to result in adequate or timely development;

(vi) supporting collaboration and communication among other Federal agencies, including both health and scientific agencies, institutions of higher education, private or public research institutions, private entities, including biotechnology and pharmaceutical companies, and nonprofit organizations, including patient advocacy groups, including soliciting data, if applicable;

(vii) translating scientific discoveries into technological innovations, including through—

(I) collaboration with the Food and Drug Administration on the development of medical products to facilitate transformation of breakthroughs in biomedicine into tangible solutions for patients; and

(II) ensuring that medical product development programs gather nonclinical and clinical data necessary for approval as efficiently as practicable;

(viii) hiring and appointing personnel necessary to carry out activities described in this section, including—

(I) making and rescinding appointments of scientific, medical, and professional personnel;

(II) designating personnel to serve as program managers (for terms of no more than 3 years subject to one renewal period) to establish research

and development goals for the ARPA–H, provide project oversight and management of strategic initiatives, recommend restructure, expansion, or termination of research projects under this section, as necessary and appropriate, and carry out other activities described in this subsection;

(III) recruiting and retaining a diverse workforce, including individuals underrepresented in science and medicine and, racial and ethnic minorities; and

(IV) hiring and appointing administrative, financial, and information technology staff as necessary to carry out this subsection;

(ix) compensating personnel at a rate to be determined by the Director of the ARPA–H;

(x) acquiring (by purchase, lease, condemnation, or otherwise), constructing, improving, repairing, operating, and maintaining such real and personal property as are necessary to carry out this section; and

(xi) entering into or terminating contracts, including multiyear contracts, as appropriate to support advanced research projects for health.

(c) FUNDING AWARDS.—Research funded by amounts made available under this section shall not be subject to the requirements of section 406(a)(3)(A)(ii) or 492 of the Public Health Service Act (42 U.S.C. 284a(a)(3)(A)(ii), 289a).

(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated by this section shall be used to supplement and not supplant any appropriations for institutes and centers of the National Institutes of Health.

PART 4—MATERNAL MORTALITY

SEC. 31041. FUNDING FOR LOCAL ENTITIES ADDRESSING SOCIAL DETERMINANTS OF MATERNAL HEALTH.

(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, $175,000,000, to remain available until expended, to award grants to community-based organizations, Urban Indian organizations, Native Hawaiian organizations, or other nonprofit organizations working with a community-based organization, operating in areas with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(b) USE OF FUNDING.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Addressing social determinants of maternal health for pregnant and postpartum individuals and eliminating racial and ethnic disparities in maternal health outcomes by—

(A) hiring, training, or retaining staff;

(B) developing or distributing culturally and linguistically appropriate resources for social services programs;

(C) offering programs and resources to address social determinants of health;

(D) conducting demonstration projects to address social determinants of health;

(E) establishing a culturally and linguistically appropriate resource center that provides multiple social services programs in a single location; and

(F) consulting with pregnant and postpartum individuals to conduct an assessment of the activities conducted under this section.

(2) Promoting evidence-based health literacy and pregnancy, childbirth, and parenting education for pregnant and postpartum individuals, and individuals seeking to become pregnant.

(3) Providing support from perinatal health workers, support persons, and providers to pregnant and postpartum individuals.

(4) Providing culturally congruent, linguistically appropriate, and trauma-informed training to perinatal health workers.

(5) Conducting outreach to eligible entities to encourage such entities to apply for grants under this section.

(6) Providing technical assistance to the eligible entities receiving funding under this section.

(c) MINIMUM FOR COMMUNITY-BASED ORGANIZATIONS.—Of the amounts made available by subsection (a), the Secretary shall award not less than $75,000,000 for the Office of Minority Health to award grants to community-based organizations to carry out the activities described in subsection (b).

SEC. 31042. FUNDING TO GROW AND DIVERSIFY THE NURSING WORKFORCE IN MATERNAL AND PERINATAL HEALTH.

(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, $150,000,000, to remain available until expended, for grants to accredited schools of nursing for the purpose of growing and diversifying the perinatal nursing workforce.

(b) USES OF FUNDS.—

(1) GRANTEES.—Prioritizing students and registered nurses who practice in a health professional shortage area designated under such section of the Public Health Service Act, amounts made available to grantees by subsection (a) shall be used for the following activities:

(A) Providing scholarships to students seeking to become nurse practitioners whose education includes a focus on maternal and perinatal health.

(B) Providing scholarships to students seeking to become clinical nurse specialists whose education includes a focus on maternal and perinatal health.

(C) Providing scholarships to students seeking to become certified nurse midwives.

(D) Providing scholarships to registered nurses seeking certification as an obstetrics and gynecology registered nurse.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) for the following activities:

(A) Developing and implementing strategies to recruit and retain a diverse pool of students seeking to enter careers focused on maternal and perinatal health.

(B) Developing partnerships with practice settings in a health professional shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) for the clinical placements of students at the schools receiving such grants.

(C) Developing curriculum for students seeking to enter careers focused on maternal and perinatal health that includes training programs on bias, racism, or discrimination.

(D) Carrying out other activities under title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) for the purpose under subsection (a).

SEC. 31043. FUNDING TO GROW AND DIVERSIFY THE DOULA WORKFORCE.

(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, $50,000,000, to remain available until expended, for grants to health professions schools, academic health centers, State or local governments, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the doula workforce.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Establishing programs that provide education and training to individuals seeking appropriate training or certification as doulas.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purpose of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

(3) Developing and implementing strategies to recruit and retain students from underserved communities, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity, including racial and ethnic minority groups, into programs described in paragraphs (1) and (2).

SEC. 31044. FUNDING TO GROW AND DIVERSIFY THE MATERNAL MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

(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, $75,000,000, to remain available until expended, for grants to health professions schools, academic health centers, State or local governments, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia

of entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the maternal mental health and substance use disorder treatment workforce.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Establishing programs that provide education and training to individuals seeking appropriate licensing or certification as mental health or substance use disorder treatment providers who plan to specialize in maternal mental health conditions or substance use disorders.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purposes of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

(3) Developing and implementing strategies to recruit and retain students from underserved communities into programs described in paragraphs (1) and (2).

SEC. 31045. FUNDING FOR MATERNAL MENTAL HEALTH EQUITY GRANT PROGRAMS.

(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, $100,000,000, to remain available until expended, for grants to community-based organizations, Urban Indian organizations, Native Hawaiian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other nonprofit organizations, schools, or programs determined appropriate by the Secretary, to address maternal mental health conditions and substance use disorders with respect to pregnant, lactating, and postpartum individuals in areas with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a), prioritizing community-based organizations, shall be for the following activities:

(1) Establishing or expanding maternity care programs to improve the integration of mental health and substance use disorder treatment services into primary care settings where pregnant individuals regularly receive health care services.

(2) Establishing or expanding group prenatal care programs or postpartum care programs.

(3) Expanding existing programs that improve maternal mental health and substance use disorder treatment from the preconception through the postpartum periods, with a focus on individuals from racial and ethnic minority groups with high rates of maternal mortality and morbidity.

(4) Providing services and support for individuals with maternal mental health conditions and substance use disorders, starting in pregnancy and continuing through the postpartum period.

(5) Addressing stigma associated with maternal mental health conditions and substance use disorders, with a focus on racial and ethnic minority groups.

(6) Raising awareness of warning signs of maternal mental health conditions and substance use disorders, with a focus on pregnant, lactating, and postpartum individuals from racial and ethnic minority groups.

(7) Establishing or expanding programs to prevent suicide or self-harm among pregnant, lactating, and postpartum individuals.

(8) Offering evidence-informed programs at freestanding birth centers that provide maternal mental health and substance use disorder education, treatments, and services, and other services for individuals throughout the prenatal and postpartum period.

(9) Establishing or expanding programs to provide education and training to maternity care providers with respect to—

(A) identifying potential warning signs for maternal mental health conditions or substance use disorders in pregnant, lactating, and postpartum individuals, with a focus on individuals from racial and ethnic minority groups; and

(B) in the case where such providers identify such warning signs, offering referrals to mental health substance use disorder treatment professionals.

(10) Developing a national website, or other source, that includes information on health care providers who treat maternal mental health conditions and substance use disorders.

(11) Establishing or expanding programs in communities to improve coordination between maternity care providers and mental health and substance use disorder providers who treat maternal mental health conditions and substance use disorders.

(12) Carrying other programs aligned with evidence-based or evidence-informed practices for addressing maternal mental health conditions and substance use disorders for pregnant and postpartum individuals from racial and ethnic minority groups.

SEC. 31046. FUNDING FOR EDUCATION AND TRAINING AT HEALTH PROFESSIONS SCHOOLS TO IDENTIFY AND ADDRESS HEALTH RISKS ASSOCIATED WITH CLIMATE CHANGE.

(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, $85,000,000, to remain available until expended, for grants to accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, to support the development and integration of education and training programs for identifying and addressing health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for developing, integrating, and implementing curriculum and continuing education that focuses on the following:

(1) Identifying health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(2) How health risks associated with climate change affect pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(3) Racial and ethnic disparities in exposure to, and the effects of, health risks associated with climate change for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(4) Patient counseling and mitigation strategies relating to health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(5) Relevant services and support for pregnant, lactating, and postpartum individuals relating to health risks associated with climate change and strategies for ensuring such individuals have access to such services and support.

(6) Implicit and explicit bias, racism, and discrimination in providing care to pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

SEC. 31047. FUNDING FOR MINORITY-SERVING INSTITUTIONS TO STUDY MATERNAL MORTALITY, SEVERE MATERNAL MORBIDITY, AND ADVERSE MATERNAL HEALTH OUTCOMES.

(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, $50,000,000, to remain available until expended for minority-serving institutions described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Developing and implementing systematic processes of listening to the stories of pregnant and postpartum individuals from racial and ethnic minority groups, and perinatal health workers supporting such individuals, to fully understand the causes of, and inform potential solutions to, the maternal mortality and severe maternal morbidity crisis within their respective communities.

(2) Assessing the potential causes of relatively low rates of maternal mortality among Hispanic individuals and foreign-born Black women.

(3) Assessing differences in rates of adverse maternal health outcomes among subgroups identifying as Hispanic.

(4) Conducting outreach to eligible minority-serving institutions to raise awareness of the availability of the grants.

(5) Providing technical assistance on the application process for such grant.

(6) Promoting capacity building to eligible entities.

SEC. 31048. FUNDING FOR IDENTIFICATION OF MATERNITY CARE HEALTH PROFESSIONAL TARGET AREAS.

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 avail-

able until expended, for carrying out section 332(k) of the Public Health Service Act (42 U.S.C. 254e(k)).

SEC. 31049. FUNDING FOR MATERNAL MORTALITY REVIEW COMMITTEES TO PROMOTE REPRESENTATIVE COMMUNITY ENGAGEMENT.

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 until expended, for carrying out section 317K(d) of the Public Health Service Act (42 U.S.C. 247b–12(d)) to promote community engagement in maternal mortality review committees to increase the diversity of a committee's membership with respect to race and ethnicity, location, and professional background.

SEC. 31050. FUNDING FOR THE SURVEILLANCE FOR EMERGING THREATS TO MOTHERS AND BABIES.

(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, $100,000,000, to remain available until expended, for carrying out section 317K of the Public Health Service Act (42 U.S.C. 247b–12) with respect to conducting surveillance for emerging threats to mothers and babies.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.

(2) Working with public health, clinical, and community-based organizations to provide timely, continually updated, evidence-based guidance to families and health care providers on ways to reduce risk to pregnant and postpartum individuals and their newborns and tailor interventions to improve their long-term health.

(3) Partnering with more State, Tribal, territorial, and local public health programs in the collection and analysis of clinical data on the impact of COVID–19 on pregnant and postpartum patients and their newborns, particularly among patients from racial and ethnic minority groups.

(4) Establishing regionally based centers of excellence to offer medical, public health, and other knowledge (in coordination with State and Tribal public health authorities) to ensure that communities, especially communities with large populations of individuals from racial and ethnic minority groups, can help pregnant and postpartum individuals and newborns get the care and support they need.

SEC. 31051. FUNDING FOR ENHANCING REVIEWS AND SURVEILLANCE TO ELIMINATE MATERNAL MORTALITY PROGRAM.

(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, $30,000,000, to remain available until expended, for carrying out the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program established under section 317K of the Public Health Service Act (42 U.S.C. 247b–12).

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Expanding the Enhancing Reviews and Surveillance to Eliminate Maternal Mortality program (commonly known as the "ERASE MM program") of the Centers for Disease Control and Prevention.

(2) Expanding partnerships with States, territories, Indian Tribes, and Tribal organizations to support Maternal Mortality Review Committees.

(3) Providing technical assistance to existing maternal mortality review committees.

SEC. 31052. FUNDING FOR THE PREGNANCY RISK ASSESSMENT MONITORING SYSTEM.

(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, $15,000,000, to remain available until expended, for carrying out section 317K of the Public Health Service Act (42 U.S.C. 247b–12) with respect to the Pregnancy Risk Assessment Monitoring System.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for the following activities:

(1) Supporting COVID–19 supplements to the Pregnancy Risk Assessment Monitoring System questionnaire.

(2) Conducting a rapid assessment of COVID–19 awareness, impact on care and experiences, and use of preventive measures among pregnant, laboring and birthing, and postpartum individuals.

(3) Supporting the transition of the questionnaire described in paragraph (1) to an electronic platform and expanding the distribution of the questionnaire to a larger population, with a special focus on reaching underrepresented communities.

SEC. 31053. FUNDING FOR THE NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT.

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, $15,000,000, to remain available until expended, for carrying out section 301 of the Public Health Service Act (42 U.S.C. 241) and title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) with respect to child health and human development, to conduct or support research for interventions to mitigate the effects of the COVID–19 public health emergency on pregnant, lactating, and postpartum individuals, with a particular focus on individuals from racial and ethnic minority groups.

SEC. 31054. FUNDING FOR EXPANDING THE USE OF TECHNOLOGY-ENABLED COLLABORATIVE LEARNING AND CAPACITY MODELS FOR PREGNANT AND POSTPARTUM INDIVIDUALS.

(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, $30,000,000, to remain available until expended, for grants to community-based organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education pro-

grams, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, that are operating in health professional shortage areas designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) with high rates of adverse maternal health outcomes or significant racial and ethnic disparities in maternal health outcomes, to evaluate, develop, and expand the use of technology-enabled collaborative learning.

(b) USE OF FUNDS.—

(1) GRANTEES.—A recipient of a grant awarded pursuant to subsection (a) shall use such grant amounts to—

(A) train maternal health care providers and students through the use and expansion of technology-enabled collaborative learning and capacity building models, including hardware and software that—

(i) enables distance learning and technical support; and

(ii) supports the secure exchange of electronic health information; and

(B) conduct evaluations on the use of technology-enabled collaborative learning to improve maternal health outcomes.

(2) SECRETARY.—The Secretary shall use amounts made available pursuant to subsection (a) to provide technical assistance to recipients of grants awarded pursuant to subsection (a) on the development, use, and sustainability of technology-enabled collaborative learning and capacity building models to expand access to maternal health services provided by such entities.

SEC. 31055. FUNDING FOR PROMOTING EQUITY IN MATERNAL HEALTH OUTCOMES THROUGH DIGITAL TOOLS.

(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, $30,000,000, to remain available until expended, for grants to community-based organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residency or fellowship programs, or other schools or programs determined appropriate by the Secretary, that are operating in health professional shortage areas designated under section 332 of the Public Health Service Act (42 U.S.C. 254e) with high rates of adverse maternal health outcomes or significant racial and ethnic disparities in maternal health outcomes to reduce racial and ethnic disparities in maternal health outcomes by increasing access to digital tools related to maternal health care.

(b) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used for the following activities:

(1) Increasing access to digital tools that could improve maternal health outcomes, such as wearable technologies, patient portals, telehealth services, and mobile phone applications.

(2) Providing technical assistance to recipients of grants awarded pursuant to subsection (a) on the development, use, evaluation, and postgrant sustainability of digital tools for purposes of promoting equity in maternal health outcomes.

SEC. 31056. FUNDING FOR ANTIDISCRIMINATION AND BIAS TRAINING.

(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, $25,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary shall use amounts appropriated under subsection (a) to award competitive grants or contracts to national nonprofit organizations focused on improving health equity, accredited schools of medicine or nursing, and other health professional training programs to develop, disseminate, review, research, and evaluate training for health professionals and all staff who interact with patients to reduce discrimination and bias in the provision of health care, with a focus on maternal health care.

PART 5—OTHER PUBLIC HEALTH INVESTMENTS

SEC. 31061. FUNDING FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER PROFESSIONALS.

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 until expended, for purposes of carrying out section 597 of the Public Health Service Act (42 U.S.C. 290ll).

SEC. 31062. FUNDING FOR PROJECT AWARE.

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, $30,000,000, to remain available until expended, for carrying out section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) with respect to advancing wellness and resiliency in education.

SEC. 31063. FUNDING FOR THE NATIONAL SUICIDE PREVENTION LIFELINE.

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 until expended, for advancing infrastructure for the National Suicide Prevention Lifeline program under section 520E–3 of the Public Health Service Act (42 U.S.C. 290bb–36c) in order to expand existing capabilities for response in a manner that avoids duplicating existing capabilities for text-based crisis support.

SEC. 31064. FUNDING FOR COMMUNITY VIOLENCE AND TRAUMA INTERVENTIONS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated to remain available until expended, for the purposes described in subsection (b):

(1) $150,000,000 for fiscal year 2022.
(2) $250,000,000 for fiscal year 2023.
(3) $450,000,000 for fiscal year 2024.

(4) $550,000,000 for each of fiscal years 2025, 2026, and 2027.

(b) USE OF FUNDING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Assistant Secretary for Mental Health and Substance Use, the Administrator of the Health Resources and Services Administration, and the Deputy Assistant Secretary for Minority Health and with public health and medical professionals, victim services community-based organizations, and other violence reduction experts, shall use amounts appropriated by subsection (a) to support public health approaches to reduce community violence and trauma, taking into consideration the needs of communities with high rates of, and prevalence of risk factors associated with, violence-related injuries and deaths, by—

(1) awarding competitive grants or contracts to local governmental entities, States, territories, Indian Tribes and Tribal organizations, Urban Indian organizations, hospitals and community health centers, nonprofit community-based organizations, culturally specific organizations, victim services providers, or other entities as determined by the Secretary (or consortia of such entities) to support evidence-based, culturally competent, and developmentally appropriate strategies to reduce community violence, including outreach and conflict mediation, hospital-based violence intervention, violence interruption, and services for victims and individuals and communities at risk for experiencing violence, such as trauma-informed mental health care and counseling, school-based mental health services, and other services; and

(2) supporting training, technical assistance, surveillance systems, and data collection to facilitate support for strategies to reduce community violence and ensure safe and healthy communities.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated under this section shall be used to supplement and not supplant any Federal, State, or local funding otherwise made available for the purposes described in this section.

SEC. 31065. FUNDING FOR THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.

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, $10,000,000, to remain available until expended, for carrying out section 582 of the Public Health Service Act (42 U.S.C. 290hh–1) with respect to addressing the problem of high-risk or medically underserved persons who experience violence-related stress.

SEC. 31066. FUNDING FOR HIV HEALTH CARE SERVICES PROGRAMS.

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 until expended, for modifications to existing contracts, and supplements to existing grants and cooperative agreements under parts A, B, C, and D of title XXVI of the Public Health Serv-

ice Act (42 U.S.C. 300ff–11 et seq.) and section 2692(a) of such Act (42 U.S.C. 300ff–111(a)).

SEC. 31067. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.

(a) SUPPLEMENTAL FUND.—

(1) IN GENERAL.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

"SEC. 3352. SUPPLEMENTAL FUND.

"(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the 'Supplemental Fund'), consisting of amounts deposited into the Supplemental Fund under subsection (b).

"(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2022, $2,860,000,000, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2031.

"(c) USES OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator for carrying out any provision in this title, including sections 3303 and 3341(c).

"(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2031, shall be deposited into the Treasury as miscellaneous receipts.".

(2) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(A) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking "section 3351" and inserting "sections 3351 and 3352";

(B) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking "section 3351" and inserting "sections 3351 and 3352";

(C) in section 3331 (42 U.S.C. 300mm–41)—

(i) in subsection (a), by inserting "and the World Trade Center Health Program Supplemental Fund" before the period at the end; and

(ii) in subsection (d)—

(I) in paragraph (1)(B), by inserting "(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)" before the period at the end; and

(II) in paragraph (2), in the flush text following subparagraph (C), by inserting "(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)" before the period at the end; and

(D) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(i) in paragraph (2), by inserting "or as available from the World Trade Center Health Program Supple-

mental Fund under section 3352" before the period at the end; and

(ii) in paragraph (3), by inserting "or as available from the World Trade Center Health Program Supplemental Fund under section 3352" before the period at the end.

(b) RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—

(1) IN GENERAL.—Section 3341 of the Public Health Service Act (42 U.S.C. 300mm–51) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following:

"(c) RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—The WTC Program Administrator shall establish a research cohort of sufficient size to conduct research studies on the health and educational impacts of exposure to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks on the population of individuals who were 21 years of age or younger at the time of exposure and who are enrolled in the WTC Program or otherwise eligible for enrollment in the Program under section 3321.".

(2) SPENDING LIMITATION EXEMPTION.—Section 3351(c)(5) of such Act (42 U.S.C. 300mm–61(c)(5)) is amended in the matter preceding subparagraph (A), by inserting "(other than subsection (c) of such section)" after "section 3341".

(3) CONFORMING AMENDMENT.—Section 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by striking "section 3341(a)" and inserting "subsection (a) or (c) of section 3341".

Subtitle K—Next Generation 9–1–1

SEC. 31101. DEPLOYMENT OF NEXT GENERATION 9–1–1.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2030, to make grants to eligible entities for implementing Next Generation 9–1–1, operating and maintaining Next Generation 9–1–1, training directly related to implementing, maintaining, and operating Next Generation 9–1–1, if the cost related to such training does not exceed 3 percent of the total grant award, and planning and implementation activities, if the cost related to such planning and implementation does not exceed 1 percent of the total grant award.

(2) ADMINISTRATIVE EXPENSES.—Of the amount appropriated in this subsection, the Assistant Secretary may use not more than 2 percent to implement and administer this section.

(3) RULEMAKING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall, after public notice and opportunity for comment, issue rules to implement this section.

(b) ELIGIBILITY.—

(1) IN GENERAL.—The Assistant Secretary shall not make a grant under this section to any eligible entity unless such entity certifies to the Assistant Secretary that—

(A) no portion of any 9–1–1 fee or charge imposed by the eligible entity, or (in the case that the eligible entity is not a covered State or Tribal organization) any State or taxing jurisdiction within which the eligible entity will carry out activities using grant funds, will be obligated or expended for any purpose or function other than a purpose or function for which the obligation or expenditure of such a fee or charge is acceptable (as determined by the Federal Communications Commission pursuant to the rules issued under section 6(f)(3) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)), as such rules are in effect on the date on which the eligible entity makes the certification) during any period during which the funds from the grant are available to the eligible entity;

(B) any funds received by the eligible entity will be used to support the deployment of Next Generation 9–1–1 in a manner that ensures reliability, interoperability, and requires the use of commonly accepted standards;

(C) the eligible entity has established, or commits to establish not later than 3 years after the date on which the funds are distributed to the eligible entity, a sustainable funding mechanism for Next Generation 9–1–1 and effective cybersecurity for Next Generation 9–1–1; and

(D) no funds received by the eligible entity will be used to purchase, rent, lease, or otherwise obtain covered communications equipment or services (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

(2) OTHER REQUIREMENTS.—The Assistant Secretary shall not make a grant under this section to an eligible entity unless such entity certifies to the Assistant Secretary that—

(A) the eligible entity, and (in the case that the eligible entity is not a covered State or Tribal organization) any covered State within which the eligible entity will carry out activities using grant funds, has designated a single officer or governmental body to serve as the point of contact to coordinate the implementation of Next Generation 9–1–1 for such covered State or Tribal organization; and

(B) the eligible entity has developed and submitted a plan for the coordination and implementation of Next Generation 9–1–1 consistent with the requirements of the Assistant Secretary that, at a minimum—

(i) ensures interoperability, reliability, resiliency, and the use of commonly accepted standards;

(ii) enables emergency communications centers to process, analyze, and store multimedia, data, and other information;

(iii) incorporates cybersecurity tools, including intrusion detection and prevention measures;

(iv) includes strategies for coordinating cybersecurity information sharing between Federal, covered State, Tribal, and local government partners;

(v) includes a governance body or bodies, either by creation of a new body or bodies or use of an existing body or bodies, for the development and deployment of Next Generation 9–1–1;

(vi) creates efficiencies related to Next Generation 9–1–1 functions, including the virtualization and sharing of infrastructure, equipment, and services; and

(vii) utilizes an effective, competitive approach to establishing authentication, credentialing, secure connections, and access in deploying Next Generation 9–1–1, including by—

(I) requiring certificate authorities to be capable of cross-certification with other authorities;

(II) avoiding risk of a single point of failure or vulnerability; and

(III) adhering to Federal agency best practices such as those promulgated by the National Institute of Standards and Technology.

(3) RETURN OF FUNDING.—If, after making a grant award to an eligible entity under subsection (a), the Assistant Secretary determines that such eligible entity has acted in a manner not in accordance with the certifications required under this subsection, the Assistant Secretary shall, after affording due process, rescind such grant award and recoup funds from such eligible entity.

(c) OVERSIGHT.—In addition to amounts otherwise available, there is appropriated to the Inspector General of the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2030, to conduct oversight to combat waste, fraud, and abuse of grant awards made under this section.

SEC. 31102. ESTABLISHMENT OF NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $80,000,000, to remain available until September 30, 2030, to establish a Next Generation 9–1–1 Cybersecurity Center to coordinate with covered State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and guidelines for strategies to detect and prevent cybersecurity intrusions relating to Next Generation 9–1–1.

SEC. 31103. PUBLIC SAFETY NEXT GENERATION 9–1–1 ADVISORY BOARD.

In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2030, to establish a 16-member Public Safety Next Generation 9–1–1 Advisory Board (in this section referred to as the "Board"), to be comprised of representatives of public safety organizations, to provide recommendations to the As-

sistant Secretary with respect to carrying out the duties and responsibilities of the Assistant Secretary related to Next Generation 9–1–1, including with respect to the grant program established pursuant to section 31101.

SEC. 31104. DEFINITIONS.

In this subtitle:

(1) 9–1–1 FEE OR CHARGE.—The term "9–1–1 fee or charge" has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(3) COMMONLY ACCEPTED STANDARDS.—The term "commonly accepted standards" means the technical standards followed by the communications industry for network, device, and Internet Protocol connectivity that—

(A) enable interoperability; and

(B) are—

(i) developed and approved by a standards development organization that is accredited by a United States or international standards body in a process that—

(I) is open to the public, including open for participation by any organization; and

(II) provides for a conflict resolution process;

(ii) subject to an open comment and input process before being finalized by the standards development organization;

(iii) consensus-based; and

(iv) made publicly available once approved.

(4) COST RELATED TO PLANNING AND IMPLEMENTATION.—The term "cost related to planning and implementation" means any cost incurred by an eligible entity related to planning for and preparing an application and related materials as required under this title.

(5) COVERED STATE.—The term "covered State" means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(6) ELIGIBLE ENTITY.—The term "eligible entity"—

(A) means a covered State or a Tribal organization; and

(B) may be an entity, including a public authority, board, or commission, established by one or more entities described in subparagraph (A).

(7) EMERGENCY COMMUNICATIONS CENTER.—

(A) IN GENERAL.—The term "emergency communications center"—

(i) means a facility that—

(I) is designated to receive a 9–1–1 request for emergency assistance; and

(II) performs one or more of the functions described in subparagraph (B); and

(ii) may be a public safety answering point, as defined in section 222 of the Communications Act of 1934 (47 U.S.C. 222).

(B) FUNCTIONS DESCRIBED.—The functions described in this subparagraph are the following:

(i) Process and analyze 9–1–1 requests for emergency assistance and information and data related to such requests.

(ii) Dispatch appropriate emergency response providers.

(iii) Transfer or exchange 9–1–1 requests for emergency assistance and information and data related to such requests with one or more facilities described under this paragraph and emergency response providers.

(iv) Analyze any communications received from emergency response providers.

(v) Support incident command functions.

(8) INTEROPERABLE; INTEROPERABILITY.—The term "interoperable" or "interoperability" means the capability of emergency communications centers to receive 9–1–1 requests for emergency assistance and information and data related to such requests, such as location information and callback numbers from a person initiating the request, and then process and share the 9–1–1 requests for emergency assistance and information and data related to such requests with other emergency communications centers and emergency response providers without the need for proprietary interfaces and regardless of jurisdiction, equipment, device, software, service provider, or other factors.

(9) NEXT GENERATION 9–1–1.—The term "Next Generation 9–1–1" means an interoperable, secure, Internet Protocol-based system that—

(A) employs commonly accepted standards;

(B) enables emergency communications centers to receive, process, and analyze all types of 9–1–1 requests for emergency assistance;

(C) acquires and integrates additional information useful to handling 9–1–1 requests for emergency assistance; and

(D) supports sharing information related to 9–1–1 requests for emergency assistance among emergency communications centers and emergency response providers.

(10) PUBLIC SAFETY ORGANIZATION.—The term "public safety organization" means an organization that represents the interests of personnel in—

(A) local law enforcement;

(B) fire and rescue;

(C) emergency medical service; or

(D) 9–1–1 services.

(11) RELIABILITY.—The term "reliability" means the employment of sufficient measures to ensure the ongoing operation of Next Generation 9–1–1, including through the use of geo-diverse, device- and network-agnostic elements that provide more than one physical route between end points with no com-

mon points where a single failure at that point would cause the operation of Next Generation 9–1–1 to fail.

(12) STATE OR TAXING JURISDICTION.—The term "State or taxing jurisdiction" has the meaning given such term in section 6(f)(3)(D) of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a–1(f)(3)(D)).

(13) SUSTAINABLE FUNDING MECHANISM.—The term "sustainable funding mechanism" means a funding mechanism that provides adequate revenues to cover ongoing expenses, including operations, maintenance, and upgrades.

Subtitle L—Spectrum Auctions

SEC. 31201. SPECTRUM AUCTIONS AND INNOVATION.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED BAND.—The term "covered band" means the band of frequencies between 3100 megahertz and 3450 megahertz, inclusive.

(4) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means—

(A) the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Commerce, Science, and Transportation of the Senate.

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(b) 3.1–3.45 GHz BAND.—

(1) PRE-AUCTION FUNDING.—

(A) IN GENERAL.—On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer $50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the Secretary for the purpose of engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of Federal spectrum use in order to make available—

(i) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(ii) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(B) EXEMPTION.—Section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) shall not apply with respect to the payment required under subparagraph (A).

(C) PLAN.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary, in coordina-

tion with the Secretary of Defense and the Executive Office of the President, shall develop a plan for conducting the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in subparagraph (A).

(D) CONSIDERATION OF COMMON PLATFORM.—In developing the plan required by subparagraph (C), the Assistant Secretary shall consider facilitating the sharing of spectrum between Federal and non-Federal users implemented through a Federal user informing common platform developed by the Assistant Secretary, in coordination with the Commission.

(E) OVERSIGHT.—The Assistant Secretary and the Executive Office of the President shall continuously review and provide oversight of the execution of the plan required by subparagraph (C).

(F) REPORT TO SECRETARY OF COMMERCE AND CONGRESS.—Not later than 18 months after the date of enactment of this Act, for the purposes of aiding the Secretary in making the identification under paragraph (2) and informed by the findings of the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in subparagraph (A), the Assistant Secretary, in consultation with the Secretary of Defense, shall submit to the Secretary and the relevant congressional committees a report that—

(i) contains such findings; and

(ii) recommends—

(I) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and

(II) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).

(2) IDENTIFICATION.—Not later than 24 months after the date of enactment of this Act, informed by the findings of the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in paragraph (1)(A) and the report required under paragraph (1)(F), the Secretary, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that—

(A) identifies for inclusion in a system of competitive bidding under paragraph (3) at least 200 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and

(B) identifies additional frequencies of electromagnetic spectrum in the covered band that could be made available for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(3) AUCTION.—

(A) IN GENERAL.—Not later than 7 years after the date of enactment of this Act, the Commission, in coordination

with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under subparagraph (A) of that paragraph.

(B) PROHIBITION.—No entity that is on the list required by section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601) may participate in the system of competitive bidding required by subparagraph (A).

(4) PREPARING SPECTRUM FOR AUCTION.—

(A) IN GENERAL.—The President shall modify or withdraw any assignment to a Federal Government station of the frequencies identified under paragraph (2)(A) to accommodate non-Federal use or shared Federal and non-Federal use in accordance with that paragraph.

(B) TIMING.—The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A) before November 30, 2024.

(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this subsection shall be construed to relieve the Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(6) RULES AUTHORIZING ADDITIONAL USE OF SPECTRUM IN COVERED BAND.—Not later than 4 years after the date of enactment of this Act, the Commission, in consultation with the Assistant Secretary, shall adopt rules that authorize the use of spectrum in the covered band identified under paragraph (2)(B) for non-Federal use, shared Federal and non-Federal use, or a combination thereof.

(7) OPPORTUNISTIC USE OF IDENTIFIED FREQUENCIES.—Not later than 4 years after the date of enactment of this Act, if the President modifies or withdraws assignments under paragraph (4), or if President accommodates the use described in paragraph (2)(A) without such modification or withdrawal, the Commission, in coordination with the Assistant Secretary, shall allow for the opportunistic use of the frequencies identified under such paragraph before the auction required by paragraph (3) is conducted. Opportunistic use, if such use is inconsistent with the rights of licensees that obtained licenses through such auction, shall cease upon the issuance by the Commission of such licenses.

(c) FCC AUCTION AUTHORITY.—

(1) TERMINATION.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after "2025" the following: ", and with respect to the electromagnetic spectrum identified under section 31201(b)(2)(A) of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, such authority shall expire on the date that is 7 years after the date of enactment of that Act".

(2) SPECTRUM PIPELINE ACT OF 2015.—The Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 621) is amended—

(A) in section 1004—

(i) in subsection (a), by striking "2022" and inserting "2024"; and

(ii) in subsection (b)(1), by striking "2022" and inserting "2024"; and

(B) in section 1006(c)(1), by striking "2022" and inserting "2024".

Subtitle M—Distance Learning

SEC. 31301. ADDITIONAL SUPPORT FOR DISTANCE LEARNING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $4,000,000,000 to the Emergency Connectivity Fund established under subsection (c)(1) of section 7402 of the American Rescue Plan Act of 2021 (Public Law 117–2) to provide support under the covered regulations promulgated under subsection (a) of such section, except that such amount shall be used to provide support under the covered regulations for costs incurred after the date of enactment of this Act but before June 30, 2030, regardless of whether those costs are incurred during a COVID–19 emergency period (as defined in subsection (d) of such section); and

(2) $500,000 to the Inspector General of the Federal Communications Commission to conduct oversight of support provided under the covered regulations.

Amounts appropriated by this subsection shall remain available until September 30, 2030.

(b) LIMITATION.—None of the funds appropriated by subsection (a)(1) may be used to purchase, rent, lease, or otherwise obtain any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)).

Subtitle N—Manufacturing Supply Chain

SEC. 31401. CRITICAL MANUFACTURING SUPPLY CHAIN RESILIENCE.

(a) APPROPRIATION.—In addition to amounts otherwise made available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until expended, except that no amounts may be expended after September 30, 2031, to support the resilience, diversity, security, and strength of critical manufacturing supply chains affecting interstate commerce and related administrative costs.

(b) PURPOSES.—The amount under subsection (a) shall be available to the Secretary of Commerce for—

(1) critical manufacturing supply chain mapping and monitoring, which may include providing grants and other financial assistance as appropriate to eligible entities for private and public sector-led mapping, monitoring, and forecasting;

(2) facilitating and supporting the establishment of voluntary standards, guidelines, and best practices to reduce risks to the

resilience, diversity, security, and strength of critical manufacturing supply chains;

(3) identifying, accelerating, promoting, and demonstrating technological advances for critical manufacturing supply chains; and

(4) providing grants and other financial assistance as appropriate that support the resilience, diversity, security, or strength of a critical manufacturing supply chain to eligible entities for activities that may include enhancements to a domestic manufacturing facility, process, or practice, the preservation of surge capacity, the provision of goods, or other activities at the determination of the Secretary.

(c) LIMITATION.—Of the amounts made available under subsection (a), not more than 3 percent may be used for related administrative expenses.

(d) ELIGIBLE ENTITY DEFINED.—The term "eligible entity" means—

(1) a domestic enterprise;

(2) a domestic manufacturer;

(3) a State, local, or Tribal government entity;

(4) a domestic regional technology and manufacturing hub;

(5) a domestic institution of higher education;

(6) a domestic public or private nonprofit organization or association; or

(7) a consortium of any of the entities described in paragraphs (1) through (6).

Subtitle O—FTC Privacy Enforcement

SEC. 31501. FEDERAL TRADE COMMISSION FUNDING FOR A PRIVACY BUREAU AND RELATED EXPENSES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Federal Trade Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for carrying out this section.

(b) PURPOSES.—The Federal Trade Commission shall use the funds appropriated under subsection (a) to create and operate a bureau, including by hiring and retaining technologists, user experience designers, and other experts as the Commission considers appropriate, to accomplish the work of the Commission related to unfair or deceptive acts or practices relating to privacy, data security, identity theft, data abuses, and related matters.

Subtitle P—Department of Commerce Inspector General

SEC. 31601. FUNDING FOR THE OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.

In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until Sep-

tember 30, 2031, for oversight of activities supported with funds appropriated to the Department of Commerce in this Act.

TITLE IV—COMMITTEE ON FINANCIAL SERVICES

Subtitle A—Creating and Preserving Affordable, Equitable and Accessible Housing for the 21st Century

SEC. 40001. PUBLIC HOUSING INVESTMENTS.

(a) APPROPRIATION.—In addition to amounts otherwise made 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) $10,000,000,000 for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)) pursuant to the same formula as in fiscal year 2021, to be made available within 60 days of the date of the enactment of this Act;

(2) $66,500,000,000 for eligible activities under section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) for priority investments as determined by the Secretary to repair, replace, or construct properties assisted under such section 9;

(3) $2,750,000,000 for competitive grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) (in this section referred to as "section 24"), under the terms and conditions in subsection (b), for transformation, rehabilitation, and replacement housing needs of public housing, to transform neighborhoods of poverty into functioning, sustainable mixed-income neighborhoods ; and

(4) $750,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Public Housing Capital Fund and the section 24 grant program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts set aside under this subparagraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITIONS FOR SECTION 24 GRANTS.—Grants awarded under subsection (a)(3) shall be subject to terms and conditions determined by the Secretary, which shall include the following:

(1) USE.—Grant funds may be used for resident and community services, community development and revitalization, and affordable housing needs in the community.

(2) APPLICANTS.—Eligible recipients of grants shall include lead applicants and joint applicants, as follows:

(A) LEAD APPLICANTS.—A lead applicant shall be a local government or a public housing agency.

(B) JOINT APPLICANTS.—A nonprofit organization or a for-profit developer may apply jointly as a joint applicant with such public entities specified in subparagraph (A).

(3) PERIOD OF AFFORDABILITY.—Grantees shall commit to a period of affordability determined by the Secretary of not fewer than 20 years, but the Secretary may specify a period of affordability that is fewer than 20 years with respect to homeownership units developed with section 24 grants.

(4) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x) and grants from amounts made available under this heading shall be subject to the regulations issued by the Secretary to implement such section.

(5) PARTNERSHIPS.—Grantees shall create partnerships with other local organizations, included assisted housing owners, service agencies, and resident organizations.

(6) UNOBLIGATED BALANCES.—The Secretary may, until September 30, 2031, obligate any available unobligated balances made available under subsection (a)(3).

(7) LOW-INCOME HOUSING.—Amounts made available under this section shall be used for low-income housing (as such term is defined under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) and affordable housing, which shall be housing for which the owner or purchaser of the project has recorded an affordability use restriction approved by the Secretary for households earning up to 120 percent of the area median income for no fewer than 20 years.

(c) OTHER TERMS AND CONDITIONS.—Grants awarded under this section shall be subject to the following terms and conditions:

(1) LIMITATION.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(2) DEVELOPMENT OF NEW UNITS.—Paragraph (3) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(3)) shall not apply to new funds made available under this section.

(3) HEALTH AND SAFETY.—Amounts made available under this section shall be used to address health, safety, and environmental hazards, including lead, fire, carbon monoxide, mold, asbestos, radon, pest infestation, and other hazards as defined by the Secretary.

(4) ENERGY EFFICIENCY AND RESILIENCE.—Amounts made available under this section shall advance improvements to energy and water efficiency or climate and disaster resilience in housing assisted under this section.

(5) ALTERNATIVE DEADLINES.—The Secretary shall establish, by notice, alternative deadlines to those established in section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)) to provide public housing agencies reasonable periods of time to obligate and expend funds provided under paragraphs (1) and (2) of subsection (a).

(6) RECAPTURE.—If the Secretary recaptures funding allocated by formula from a public housing agency under paragraph (a)(1), such recaptured amounts shall be added to the amounts available under paragraph (a)(2), and shall be obligated by the Secretary prior to the expiration of such funds.

(7) SUPPLEMENTATION OF FUNDS.—The Secretary shall ensure that amounts provided pursuant to this section shall serve to supplement and not supplant other amounts generated by a recipient of such amounts or amounts provided by other Federal, State, or local sources.

(8) WAIVERS AND ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternative requirements for subsections (d)(1), (d)(2), (e), and (j) of section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) and associated regulations in connection with the use of amounts made available under this section other than requirements related to tenant rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40002. INVESTMENTS IN AFFORDABLE AND ACCESSIBLE HOUSING PRODUCTION.

(a) APPROPRIATION.—In addition to amounts otherwise made 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) $34,770,000,000, for activities and assistance for the HOME Investment Partnerships Program (in this section referred to as the "HOME program"), as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) (in this section referred to as "NAHA");

(2) $36,770,000,000 for activities and assistance for the HOME Investment Partnerships Program, as authorized under title II of NAHA, subject to the terms and conditions in paragraphs (1) and (2) of subsection (b);

(3) $100,000,000 to make new awards or increase prior awards to existing technical assistance providers, except that increases to prior awards do not exceed 10 percent of the amount made available under this subparagraph, to provide an increase in capacity building and technical assistance available to any grantees implementing activities or projects consistent with this section, except that the Secretary may use not more than 10 percent of the amount made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance; and

(4) $360,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the HOME and Housing Trust Fund programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs. The Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITION.—

(1) FORMULA.—The Secretary shall allocate amounts made available under subsection (a)(2) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the date of the enactment of this Act.

(2) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (5) of this subsection, funds made available under subsection (a)(2) may only be used for eligible activities described in subparagraphs (A) through (B)(i) of section 1338(c)(7) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(7)), except that not more than 10 percent of funds made available may be used for activities under such subparagraph (B)(i).

(3) FUNDING RESTRICTIONS.—The commitment requirements in section 218(g) (42 U.S.C. 12748(g)) of NAHA, the matching requirements in section 220 (42 U.S.C. 12750) of NAHA, and the set-aside for housing developed, sponsored, or owned by community housing development organizations required in section 231 of NAHA (42 U.S.C. 12771) shall not apply for amounts made available under this section.

(4) REALLOCATION.—For funds provided under paragraphs (1) and (2) of subsection (a), the Secretary may recapture certain amounts remaining available to a grantee under this section or amounts declined by a grantee, and reallocate such amounts to other grantees under that paragraph to ensure fund expenditure, geographic diversity, and availability of funding to communities within the State from which the funds have been recaptured.

(5) ADMINISTRATION.— Notwithstanding subsections (c) and (d)(1) of section 212 of NAHA (42 U.S.C. 12742), eligible grantees may use not more than 15 percent of their allocations under this section for administrative and planning costs.

(c) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of NAHA (42 U.S.C. 12701 et seq.) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40003. HOUSING INVESTMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Housing Investment Fund, which shall be within the Community Development Financial Institutions Fund (in this section referred to as the "CDFI Fund"), to—

(1) increase and preserve the affordability and quality of housing;

(2) increase the availability of affordable, accessible housing;

(3) improve the energy and water efficiency and resiliency of affordable housing;

(4) enhance economic opportunities for residents, by financing or supporting affordable housing located within proximity to public transportation, as defined in section 5302 of title 49, United States Code, or centers of employment, and education, and critical community services;

(5) match the creation of housing supply to existing demand and projected demand growth in the area, to the benefit of existing residents and with attention to preventing displacement of residents; and

(6) further fair housing purposes addressing historic disinvestment, the concentration of poverty, and housing segregation on the basis of race, color, religion, natural origin, sex, disability, or familial status.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $9,640,000,000 to the Housing Investment Fund established by this section; and

(2) $360,000,000 for the costs to the CDFI Fund of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, fair housing compliance, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

(c) EXPENDITURES FROM FUND.—Amounts in the Housing Investment Fund shall be available to the CDFI Fund to make grants to increase investment in the development, preservation, rehabilitation, financing, or purchase of affordable housing primarily for low-, very low-, and extremely low- income families , and for homeowners with incomes up to 120 percent of the area median income. The CDFI Fund may impose such conditions as it deems necessary to achieve the program goals, including coordinating with the Secretary of Housing and Urban Development to housing achieve the purposes of subsection (a)(6).

(d) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the CDFI Fund shall es-

tablish for experience and success in carrying out the types of activities proposed under the application of the grantee, only to—

(1) a CDFI Fund certified community development financial institution, as such term is defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is not found to be out of compliance with the obligation to affirmatively further fair housing, as applicable;

(2) a nonprofit organization having as one of its principal purposes the creation, development, or preservation of affordable housing and that is not found to be out of compliance with the obligation to affirmatively further fair housing, as applicable, including a subsidiary of a public housing authority; or

(3) a consortium comprised of certified community development financial institutions, eligible nonprofit housing organizations, or a combination of both.

(e) ELIGIBLE USES.—Grant amounts awarded from the Housing Investment Fund pursuant to this section may be used for the purposes described in subsection (c), including for the following uses:

(1) To provide loan loss reserves.

(2) To capitalize an acquisition fund to acquire residential, industrial, or commercial property and land for the purpose of the preservation, development, or rehabilitation of affordable, accessible housing, including to support the creation, preservation, or rehabilitation of resident-owned manufactured housing communities.

(3) To capitalize an affordable housing fund , for development, preservation, rehabilitation, or financing of affordable housing and economic development activities, including community facilities, if part of a mixed-use project, or activities described in this paragraph related to transit-oriented development, which may also be designated as a focus of such a fund.

(4) To capitalize an affordable housing mortgage fund, to facilitate the origination of mortgages to buyers that may experience significant barriers to accessing affordable mortgage credit, including mortgages having low original principal obligations.

(5) For risk-sharing loans.

(6) To provide loan guarantees.

(7) To fund rental housing operations.

(f) APPLICATIONS.—The CDFI Fund shall provide, an application process, for eligible grantees under subsection (d) to submit applications for Housing Investment Fund grants to the CDFI Fund at such time and in such manner as the CDFI Fund shall determine.

(g) GRANT LIMITATION.—

(1) IN GENERAL.—The CDFI Fund shall establish limitations on aggregate funds available for an eligible grantee and its subsidiaries and affiliates, and eligible uses and activities as appropriate.

(2) LEVERAGE OF FUNDS.—Each grant from the Housing Investment Fund awarded under this section shall be reasonably expected to result in eligible affordable housing activities that support or sustain affordable housing funded by a grant under this section and capital from other public and private sources.

(h) DIRECT HIRING AUTHORITY.—The CDFI Fund may use direct hiring authority to hire employees to administer the Housing Investment Fund.

(i) IMPLEMENTATION.—The CDFI Fund shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40004. SECTION 811 SUPPORTIVE HOUSING FOR PEOPLE WITH DISABILITIES.

(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) $898,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) (in this section referred to as the "Act"), and for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of the Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667), for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Act, for State housing finance agencies;

(2) $15,000,000 for providing technical assistance to support State-level efforts to integrate housing assistance and voluntary supportive services for residents of housing receiving such assistance, which funding may also be used to provide technical assistance to applicants and potential applicants to understand program requirements and develop effective applications; and the Secretary may use up to 10 percent of such amounts made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance; and

(3) $87,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Supportive Housing for Persons with Disabilities program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of section 811(b)(3) of the Act (42 U.S.C. 8013(b)(3)), or regulation that the Secretary administers that is applicable to such statute other than requirements related to fair housing, nondiscrimination, labor standards, and the envi-

ronment, 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 authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40005. SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM.

(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) $2,360,000,000 for the Supportive Housing for the Elderly Program authorized under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) (in this section referred to as the "Act"), which shall be used—

(A) for capital advance awards in accordance with section 202(c)(1) of the Act to recipients that are eligible under the Act;

(B) for section 8 project-based rental assistance contracts in accordance with subsection (b) of this section and section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), (in this section referred to as the "1937 Act") for capital advance projects, including new project-based rental assistance contracts under section 8 of the 1937 Act for capital advance projects notwithstanding subsections (b) and (c) of section 202 of the Act (12 U.S.C. 1701q) and section 8 of the 1937 Act (42 U.S.C. 1437f), with the Secretary setting the terms of such project-based rental assistance contracts, including the duration and provisions regarding rent setting and rent adjustment; and

(C) for service coordinators;

(2) $15,000,000, to provide technical assistance to support State-level efforts to improve the design and delivery of voluntary supportive services for residents of any housing assisted under the Act and other housing supporting low-income older adults, in order to support residents to age-in-place and avoid institutional care, as well as to assist applicants and potential applicants with project-specific design; and the Secretary may use up to 10 percent of such amounts made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance; and

(3) $125,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Supportive Housing for the Elderly program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other

costs; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of section 202 of the Act (12 U.S.C. 1701q), section 8 of the 1937 Act (42 U.S.C. 1437f), or regulation that the Secretary administers that is applicable to such statutes other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, 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 authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40006. 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) $5,314,000,000 for providing direct loans, which may be forgivable, and grants, subject to terms and conditions, including affordability requirements, determined by the Secretary, to fund projects that improve the energy or water efficiency, implement low-emission technologies, materials, or processes, including zero-emission electricity generation, energy storage, or building electrification, electric car charging station installations, or address climate resilience of multifamily properties;

(2) $76,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301;

(3) $360,000,000 for expenses of contracts administered by the Secretary, including to carry out property climate risk, energy, or water assessments, due diligence, and underwriting functions for such grant and direct loan program; and

(4) $250,000,000 for energy and water benchmarking of properties eligible to receive grants or loans under this section, regardless of whether they actually received such grants, along with associated data analysis and evaluation at the property and portfolio level, including the development of information technology systems necessary for the collection, evaluation, and analysis of such data.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) ELIGIBLE RECIPIENTS.—Amounts made available under this section shall be for direct loans, grants, and direct loans that can be converted to grants to properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), or section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)).

(c) COSTS.—The costs of direct loans provided under this section, including the cost of modifying such direct loans or converting direct loans into grants, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(d) WAIVER.—The Secretary may waive or specify alternative requirements for any provision of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), or any regulation applicable to such statutes other than requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to facilitate the use of such amounts.

SEC. 40007. REVITALIZATION OF DISTRESSED MULTIFAMILY PROPERTIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $3,870,000,000 for providing direct loans, which may be forgivable, to owners of distressed properties for the purpose of making necessary physical improvements, including to subsidize gross obligations for the principal amount of direct loans not to exceed $6,000,000,000, subject to the terms and conditions in subsection (b); and

(2) $130,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Office of Housing programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031

(b) LOAN TERMS AND CONDITIONS.—

(1) ELIGIBILITY.—Owners of distressed multifamily housing projects who meet each of the following requirements shall be eligible for loan assistance under this section:

(A) The actual rents received by the owner of the distressed property would not adequately sustain the debt needed to make necessary physical improvements.

(B) Any such additional eligibility criteria as the Secretary determines to be appropriate, including factors that contributed to the property's distressed state.

(2) USE OF LOAN FUNDS.—Each recipient of loan assistance under this section may only use such loan assistance to make necessary physical improvements to a distressed property.

(3) LOAN AVAILABILITY.—The Secretary shall only provide loan assistance to an owner of a distressed property when such assistance, considered with other financial resources available to the owner, is necessary to remove the property from a distressed state. The Secretary may provide assistance in any amount that the Secretary determines is needed to make the necessary physical improvements that will correct the deficiencies of the distressed property.

(4) INTEREST RATES AND LENGTH.—Loans provided under this section shall bear interest at 1 percent, and at origination shall have a repayment period coterminous with the affordability period established under paragraph (5), with the frequency and amount of repayments to be determined by requirements established by the Secretary.

(5) LOAN MODIFICATIONS OR FORGIVENESS.—With respect to loans provided under this section, the Secretary may take any of the following actions if the Secretary determines that doing so will preserve affordability of the property:

(A) Waive any due on sale or due on refinancing restriction.

(B) Consent to the terms of new owner debt to which the loans may be subordinate, even if such new debt would impact the rate of repayment of the loans.

(C) Extend the term of the loan.

(D) Forgive the loan in whole or in part.

(6) EXTENDED AFFORDABILITY PERIOD.—Each recipient of loan assistance under this section shall agree to an extended affordability period for the property that is subject to the loan by extending any existing affordable housing use agreements for an additional 30 years or, if the property is not currently subject to a use agreement establishing affordability requirements, by establishing a use agreement for 30 years.

(7) MATCHING CONTRIBUTION.—Each recipient of loan assistance under this section shall secure at least 20 percent of the total cost needed to make the necessary physical improvements from non-Federal sources other than under this section, except in cases where the Secretary determines that a lack of financial resources qualifies a loan recipient for—

(A) a reduced contribution below 20 percent; or

(B) an exemption to the matching contribution requirement.

(8) ADDITIONAL LOAN CONDITIONS.—The Secretary may establish additional conditions for loan eligibility provided under this section as the Secretary determines to be appropriate.

(9) PROPERTIES INSURED UNDER NATIONAL HOUSING ACT.—In the case of a loan issued under this section that is secured by a property with insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.), the Secretary may use funds available under this section as necessary to pay for the costs of modifying such loan in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(10) COSTS.—The costs of direct loans provided under this section, including the cost of modifying such direct loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(c) DEFINITIONS.—As used in this section—

(1) the term "multifamily housing project" means a project consisting of more than four dwelling units assisted, insured, or with a loan held by the Secretary or a State or State agency in part or in whole pursuant to—

(A) section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), not including under subsection (o)(13) of such section;

(B) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act;

(C) 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;

(D) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); or

(E) section 236 of the National Housing Act (12 U.S.C. 1715z-1);

(2) the term "distressed property"? means a multifamily housing project that has deficiencies that cause the property to be at risk of physical obsolescence or economic non-viability;

(3) the term "Secretary"? means the Secretary of Housing and Urban Development; and

(4) the term "necessary physical improvements" means capital improvements that the Secretary determines are necessary to address the conditions making a property a distressed property or that rise to such a level that delaying physical improvements to the property would be detrimental to the longevity of the property as suitable housing for occupancy.

(d) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40008. INVESTMENTS IN RURAL RENTAL HOUSING.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture (in this section referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $4,360,000,000, to remain available until expended, for carrying out new construction, improvements to energy and water efficiency or climate resilience, the removal of health and safety hazards, and the preservation and revitalization of housing authorized under sections 514, 515, and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, and 1486)), subject to the terms and conditions in subsection (b);

(2) $200,000,000, to remain available until September 30, 2024, to provide grants under section 521(a)(2) of the Housing

Act of 1949 (42 U.S.C. 1490a(a)(2)) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949 (42 U.S.C. 1472(c)(5)(D)), to provide continued assistance to households assisted pursuant to Section 3203 of the American Rescue Plan Act of 2021; and

(3) $240,000,000, to remain available until expended, for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) PRESERVATION AND REVITALIZATION TERMS AND CONDITIONS.—

(1) LOANS AND GRANTS AND OTHER ASSISTANCE.—The Secretary shall provide direct loans and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), to restructure existing Department of Agriculture multi-family housing loans expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers, including—

(A) reducing or eliminating interest;

(B) deferring loan payments;

(C) subordinating, reducing, or re-amortizing loan debt; and

(D) providing other financial assistance, including advances, payments, and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary, including such assistance to nonprofit entities and public housing authorities.

(2) RESTRICTIVE USE AGREEMENT.—The Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring.

(c) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40009. HOUSING VOUCHERS.

(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) $48,460,000,000 for—

(A) incremental tenant-based rental assistance for extremely low-income families under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o));

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other eligible expenses, as determined by the Secretary, such as security deposit assistance and other costs related to the retention and support of participating owners;

(2) $24,000,000,000 for—

(A) incremental tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for households experiencing or at risk of homelessness, survivors of domestic violence, dating violence, sexual assault, and stalking, and survivors of trafficking families;

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other eligible expenses, as determined by the Secretary, such as security deposit assistance and other costs related to the retention and support of participating owners;

(3) $500,000,000 for—

(A) tenant protection vouchers for relocation and replacement of public housing units demolished or disposed of pursuant to section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) as part of a public housing preservation or project-based replacement transaction using funds made available under this Act;

(B) renewals of such tenant-based rental assistance; and

(C) fees for the costs of administering tenant-based rental assistance and other eligible expenses, as determined by the Secretary, such as security deposit assistance and other costs related to the retention and support of participating owners;

(4) $750,000,000 for competitive grants, subject to terms and conditions determined by the Secretary, to public housing agencies for mobility-related services for voucher families, including families with children, and service coordination;

(5) $500,000,0000 for eligible expenses to facilitate the use of voucher assistance under this section and for other voucher assistance under section 8(o) of the United States Housing Act of 1937, as determined by the Secretary, including property owner outreach and retention activities such as incentive payments, security deposit payments and loss reserves, landlord liaisons, and other uses of funds designed primarily—

(A) to recruit owners of dwelling units, particularly dwelling units in census tracts with a poverty rate of less than 20 percent, to enter into housing assistance payment contracts; and

(B) to encourage owners that enter into housing assistance payment contracts as described in subparagraph (A) to continue to lease their dwelling units to tenants assisted under section 8(o) of the United States Housing Act of 1937;

(6) $750,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Housing Choice Voucher program generally, including in-

formation technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(7) $40,000,000 for making new awards or increasing prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to public housing agencies, except that the Secretary may use not more than 10 percent of the amount made available under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance.

(b) TERMS AND CONDITIONS.—

(1) ALLOCATION.—The Secretary shall allocate initial incremental assistance provided for rental assistance under subsection (a)(1) and (2) in each fiscal year commencing in 2022 and ending in 2026 in accordance with a formula that includes measures of severe housing need among extremely low-income renters and public housing agency capacity, and ensures geographic diversity among public housing agencies administering the Housing Choice Voucher program.

(2) ELECTION TO ADMINISTER.—The Secretary shall establish a procedure for public housing agencies to accept or decline the incremental vouchers made available under this section.

(3) FAILURE TO USE VOUCHERS PROMPTLY.—If a public housing agency fails to lease the authorized vouchers it has received under this subsection on behalf of eligible families within a reasonable period of time, the Secretary may offset the agency's voucher renewal allocations or revoke and redistribute any unleased vouchers and associated funds, including administrative fees and other expenses referred to in subsections (a)(3) and (a)(4), to other public housing agencies.

(4) PROHIBITION OF USE UNDER MOVING TO WORK PROGRAM.—Public housing agencies designated as Moving to Work agencies shall be eligible for an allocation under this section, but may only use such amounts for the activities listed in subsections (a) for which the funds were provided to such agency.

(5) CAP ON PROJECT-BASED VOUCHERS FOR VULNERABLE POPULATIONS.—Upon request by a public housing agency, the Secretary may designate a number of the public housing agency's vouchers allocated under this section as excepted units that do not count against the percentage limitation on the number of authorized units a public housing agency may project-base under section 8(o)(13)(B) of the United States Housing Act of 1937, in accordance with the conditions established by the Secretary. This paragraph may not be construed to waive, limit, or specify alternative requirements, or permit such waivers, limitations, or alternative requirements, related to fair housing and nondiscrimination, including the requirement to provide housing and services to individuals with disabilities in integrated settings.

(c) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this sec-

tion, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40010. PROJECT-BASED RENTAL ASSISTANCE.

(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) $14,760,000,000 for the project-based rental assistance program, as authorized under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)), (in this section referred to as the "Act"), subject to the terms and conditions of subsection (b) of this section;

(2) $40,000,000 for providing technical assistance to recipients of or applicants for project-based rental assistance or to States allocating the project-based rental assistance; and

(3) $200,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the section 8 project-based rental assistance program generally, including information technology, financial reporting, research and evaluations, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and the Secretary may transfer and merge amounts appropriated under this subparagraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITIONS.—

(1) AUTHORITY.—Notwithstanding section 8(a) the Act (42 U.S.C. 1437f(a)), the Secretary may use amounts made available under this section to provide assistance payments with respect to newly constructed housing, existing housing, or substantially rehabilitated non-housing structures for use as new multifamily housing in accordance with this section and the provisions of section 8 of the Act. In addition, the Secretary may use amounts made available under this section for performance-based contract administrators for section 8 project-based assistance, for carrying out this section and section 8 of the Act.

(2) PROJECT-BASED RENTAL ASSISTANCE.—The Secretary may make assistance payments using amounts made available under this section pursuant to contracts with owners or prospective owners who agree to construct housing, to substantially rehabilitate existing housing, to substantially rehabilitate non-housing structures for use as new multifamily housing, or to attach the assistance to newly constructed housing in which some or all of the units shall be available for occupancy by very low-income families in accordance with the provisions of section 8 of the Act. In awarding contracts pursuant to this section, the Secretary shall give priority to owners or prospective owners of multifamily housing projects located or to be located in areas of high opportunity, as defined by the Secretary, in areas experiencing economic growth or rising housing prices to prevent displacement or secure affordable

housing for low-income households, or that serve people at risk of homelessness or that integrate additional units that are accessible for persons with mobility impairments and persons with hearing or visual impairments beyond those required by applicable Federal accessibility standards.

(3) ALLOCATION.—The Secretary may use various mechanisms, alone or in combination, to award grants with amounts made available under this section, including—

(A) using a competitive process, which the Secretary may carry out in multiple rounds of competition, each of which may have its own selection, performance, and reporting criteria as established by the Secretary;

(B) selecting proposals submitted through FHA loan applications that meet specified criteria;

(C) delegating to States and territories the awarding of contracts, including related determinations such as the maximum monthly rent, subject to the requirements of section 8 of the Act, as determined by the Secretary; and

(D) using any other means that the Secretary determines to be reasonable to accomplish the purposes of this section.

(4) CONTRACT TERM, RENT SETTING, AND RENT ADJUSTMENTS.—The Secretary may set the terms of the contract, including the duration and provisions regarding rent setting and rent adjustments.

(c) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of section 8 of the Act (42 U.S.C. 1437f) or regulation that the Secretary administers that is applicable to such statute other than requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(d) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40011. INVESTMENTS IN NATIVE AMERICAN COMMUNITIES.

(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) $784,375,000 for grants under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (in this section referred to as "NAHASDA") (25 U.S.C. 4101 et seq.) , and the Secretary shall distribute such amount according to the same funding formula used in fiscal year 2021;

(2) $7,000,000 for grants under title VIII of NAHASDA (25 U.S.C. 4221 et seq.);

(3) $784,375,000 for competitive grants to eligible recipients authorized under title I of NAHASDA (25 U.S.C. 4111 et seq.), which may be used for—

(A) new construction and rehabilitation of affordable housing;

(B) improving water or energy efficiency or increasing resilience to natural hazards for housing assisted by amounts made available under this subsection; or

(C)) other eligible affordable housing activities under NAHASDA;

(4) $334,250,000 for—

(A) competitive single-purpose Indian community development block grants for Indian tribes under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and

(B) imminent threat grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for Indian tribes, or a tribal organization, governmental entity, or nonprofit organization designated by the Indian tribe to apply for a grant on its behalf, which may be used to—

(i) address environmental threats, including long-term environmental threats;

(ii) assist Indian tribes with relocating a portion of or entire communities due to changes to the local environment; or

(iii) assist Indian tribes with addressing other threats to health and safety;

(5) $50,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and Native American programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this Act, and other costs; and

(6) $40,000,000 to make new awards or increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance to grantees; and the Secretary may use not more than 10 percent of the amount under this paragraph to increase prior awards to existing technical assistance providers to provide an immediate increase in capacity building and technical assistance.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) GRANTEE ELIGIBILITY.—Notwithstanding any other provision of this section, of NAHASDA (25 U.S.C. 4101 et seq.), or of the provisions of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq) applicable to the Indian community development block grant program, an Indian tribe shall be ineligible to receive grants with amounts made available under this section if the Secretary determines that the Indian tribe is not in compliance with obligations under its 1866 treaty with the United States as it relates to the inclusion of persons who are lineal descendants of Freedmen as having the rights of the citizens of such

tribes, unless a Federal court has issued a final order that determines the treaty obligations with respect to including Freedmen as citizens. For purposes of this subsection, a court order is not considered final if time remains for an appeal or application for discretionary review with respect to the order.

(c) PRELIMINARY FUNDING.—

(1) USE OF IMMINENT THREAT GRANT AMOUNTS.—Of any amounts made available in subsection (a)(4)(B), and in consultation with the Department of the Interior, the Secretary may award preliminary grants of up to $2,000,000 each to applicants that have applied for a grant under subsection (a)(4)(B) before making a final determination as to whether to award a grant under subsection (a)(4)(B) to such applicant.

(2) NEED AND CAPACITY.—Prior to awarding a preliminary grant under this subsection, the Secretary must determine, based on a preliminary assessment of need and administrative capacity, that the applicant is likely able to carry out the grant successfully but would need additional administrative and planning resources to develop a comprehensive implementation plan and additional administrative capacity in order to successfully administer a grant under subsection (a)(4)(B).

(3) ELIGIBLE ACTIVITIES.—Such preliminary grants shall be used for eligible program activities, as defined by the Secretary, that the Secretary determines will allow the applicant to successfully implement the grant.

(4) INAPPLICABILITY.—Such preliminary grants are not subject to administrative and planning caps.

(5) FUNDING DETERMINATIONS.—The determination of whether to award a final grant under subsection (a)(4)(B) to an applicant after preliminary funding was granted to an applicant shall not be subject to review.

(d) REALLOCATION.—Amounts made available under subsection (a)(1) that are not accepted within a time specified by the Secretary, are voluntarily returned, or are otherwise recaptured for any reason may be used to fund grants under paragraph (3) or (4) of subsection (a).

(e) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of NAHASDA (25 U.S.C. 4101 et seq.), title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq), or regulation that the Secretary administers that is applicable to such statutes other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

Subtitle B—21st Century Sustainable and Equitable Communities

SEC. 40101. COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR AFFORDABLE HOUSING AND INFRASTRUCTURE.

(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) $6,600,000,000 for grants to grantees under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C.5306) under the community development block grant program under title I of such Act, subject to subsection (b) of this section, except that for purposes of amounts made available by this paragraph, paragraph (2) of such section 106(a) shall be applied by substituting "$70,000,000" for "$7,000,000";

(2) $1,000,000,000 for assistance to community development block grant grantees, as determined by the Secretary, under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), only for colonias, to address the community and housing infrastructure needs of existing colonia residents based on a formula that takes into account persons in poverty in the colonia areas, except that grantees may use funds in colonias outside of the 150-mile border area upon approval of the Secretary;

(3) $500,000,000 for grants under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) to eligible recipients under subsection (d) of this section for manufactured housing infrastructure improvements in eligible manufactured home communities;

(4) $300,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, the Community Development Block Grant program, and the manufactured home construction and safety standards program generally, including information technology, financial reporting, research and evaluations, fair housing compliance, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and the Secretary may transfer and merge amounts set aside under this paragraph to section 40301; and

(5) $100,000,000 for providing technical assistance to recipients of or applicants for grants under this section.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) HOUSING CONSTRUCTION.—Expenditures on new construction of housing shall be an eligible expense for a recipient of funds made available under this section that is not a recipient of funds under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 42 U.S.C. 12721 et seq.).

(c) MANUFACTURED HOUSING COMMUNITY IMPROVEMENT GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall carry out a competitive grant program to award funds appropriated under subsection (a)(4) to eligible recipients to carry out eligible projects for improvements in eligible manufactured home communities.

(2) ELIGIBLE PROJECTS.—Amounts from grants under this subsection shall be used only to assist in carrying out a project for construction, reconstruction, repair, or clearance of housing, facilities and improvements in or serving a manufactured housing community that—

(A) is critically needed to protect the health and safety of the residents of the manufactured housing community and the long-term sustainability of the community;

(B) can be commenced expeditiously assisted by a grant under this subsection; and

(C) includes activities—

(i) eligible under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(ii) to facilitate installation, including foundation construction for new manufactured homes, as defined in section 603 of the National Manufactured Construction and Safety Standards Act of 1974 (42 U.S.C. 5402) and regulated under associated regulations, and previously sold certified manufactured homes; or

(iii) to mitigate flood risk.

(3) CRITERIA.—The Secretary shall prioritize awards under this section by the extent to which the project will assist low-income families and preserve long-term housing affordability for residents of an eligible manufactured home community.

(d) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or regulation that the Secretary administers in connection with use of amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COLONIA AREA.—The term "colonia area" means any census tract that—

(A) is an area of the United States within 150 miles of the contiguous border between the United States and Mexico, except as otherwise determined by the Secretary; and

(B) lacks potable water supply, adequate sewage systems, and lack of decent, safe, sanitary housing, and other objective criteria as approved by the Secretary.

(2) ELIGIBLE MANUFACTURED HOME COMMUNITY.—The term "eligible manufactured home community" means a community that—

(A) meets the affordable housing safe harbor requirements of the Internal Revenue Service under section 601.201 of title 26, Code of Federal Regulations; and

(B)(i) is owned by the residents of the manufactured housing community through a resident-controlled entity, as defined by the Secretary, in which at least two-thirds of residents are member-owners of the land-owning entity; or

(ii) the Secretary otherwise determines is subject to such binding agreements as are necessary to ensure that the manufactured housing community will be maintained as such a community, and affordable for low-income families (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704)), on a long-term basis.

(3) ELIGIBLE RECIPIENT.—The term "eligible recipient" means a partnership of—

(A) a grantee under section 106 of the Housing and Community Development Act of 1974 (42 U.S.C.5306); and

(B) an eligible manufactured home community, a nonprofit entity, or a consortia of nonprofit entities working with an eligible manufactured home community.

(4) MANUFACTURED HOME COMMUNITY.—The term "manufactured home community" means any community, court, or park equipped to accommodate manufactured homes for which pad sites, with or without existing manufactured homes or other allowed homes, or other suitable sites, are used primarily for residential purposes, with any additional requirements as determined by the Secretary, including any manufactured housing community as such term is used for purposes of the program of the Federal National Mortgage Association for multifamily loans for manufactured housing communities and the program of the Federal Home Loan Mortgage Corporation for loans for manufactured housing communities.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40102. LEAD-BASED PAINT HAZARD CONTROL AND HOUSING-RELATED HEALTH AND SAFETY HAZARD MITIGATION IN HOUSING OF FAMILIES WITH LOWER INCOMES.

(a) APPROPRIATION.—In addition to amounts otherwise made 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) $6,430,000,000 for grants to States, units of general local government, Indian tribes or their tribally designated housing entities, and nonprofit organizations for the activities under subsection (c) in target housing units, and common areas servicing such units, where low-income families reside or are expected to reside that is not public housing, housing assisted by

project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including under subsection (o)(13) of such section, nor housing assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) or section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(2) $500,000,000 for grants to State or local governments or nonprofit entities for the activities in subsection (c) in target housing units, and common areas servicing such units, that are being assisted under the Weatherization Assistance Program authorized under title IV of the Energy Conservation and Production Act (42 U.S.C. 6851 et seq.) but are not public housing, housing assisted by project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including under subsection (o)(13) of such section, nor housing assisted under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) or section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(3) $2,000,000,000 for grants to owners of a property receiving project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including under subsection (o)(13) of such section, that meets the definition of target housing and that has not received a grant for similar purposes under this Act for the activities in subsection (c), except subsection (c)(2), in target housing units receiving such assistance and common areas servicing such units;

(4) $810,000,000 for costs related to training and technical assistance to support identification and mitigation of lead and housing-related health and safety hazards, research, and evaluation related to activities under this section; and

(5) $260,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, and the Secretary's lead hazard reduction and related programs generally including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this Act, and other costs; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) TERMS AND CONDITIONS.—

(1) INCOME ELIGIBILITY DETERMINATIONS.—Notwithstanding any inconsistent requirements, the Secretary may make income determinations of eligibility for enrollment of housing units for grants awarded under—

(A) subsection (a)(1) using criteria under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), title IV of the Energy Conservation and Production Act (42 U.S.C. 6851 et seq.), section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42

U.S.C. 8624), or section 2044 of title 38, United States Code, as determined appropriate by the Secretary;

(B) subsection (a)(2) using criteria under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) or title IV of the Energy Conservation and Production Act (42 U.S.C. 6851 et seq.).

(2) HOUSING FAMILIES WITH YOUNG CHILDREN.—An owner of rental property that receives assistance under subsection (a)(3) shall give priority in renting units for which the lead-based paint has been abated pursuant to subsection (a)(3), for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of 6 years.

(3) ADMINISTRATIVE EXPENSES.—A recipient of a grant under this section may use up to 10 percent of the grant for administrative expenses associated with the activities funded by this section.

(c) ELIGIBLE ACTIVITIES.—Grants awarded under this section shall be used for—

(1) abatement of lead-based paint in target housing;

(2) interim controls of lead-based paint hazards in target housing;

(3) lead-based paint inspections;

(4) lead risk assessments;

(5) lead hazard control clearance examinations;

(6) testing for housing-related health and safety hazards;

(7) mitigation of housing-related health and safety hazards, including lead faucets, fixtures, and interior lines;

(8) technical assistance;

(9) providing work practices training to local residents;

(10) outreach and engagement with community stakeholders, including stakeholders in disadvantaged communities;

(11) capacity building;

(12) program evaluation and research;

(13) environmental reviews; or

(14) activities that directly or indirectly support the work under this section, as applicable, that without which such activities could not be conducted.

(d) ENVIRONMENTAL REVIEW.—For purposes of environmental review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under subsection (a) of this section shall be considered funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547), provided that references in such section 305(c) to "State or unit of general local government" shall be deemed to include Indian tribes.

(e) DEFINITIONS.—For purposes of this section, the following definitions, and definitions in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b), shall apply:

(1) NONPROFIT; NONPROFIT ORGANIZATION.—The terms "nonprofit" and "nonprofit organization" mean a corporation, community chest, fund, or foundation not organized for profit, but organized and operated exclusively for religious, charitable, sci-

entific, testing for public safety, literary, or educational purposes; or an organization not organized for profit but operated exclusively for the promotion of social welfare.

(2) PUBLIC HOUSING; PUBLIC HOUSING AGENCY; LOW-INCOME FAMILY.—The terms "public housing", "public housing agency", and "low-income family'" have the same meaning given such terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) TRIBALLY DESIGNATED HOUSING ENTITY; INDIAN TRIBE.—The terms "tribally designated housing entity" and "Indian tribe" have the same meaning given such terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(4) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the same meaning given such term in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(f) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40103. UNLOCKING POSSIBILITIES PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $4,260,000,000 for awarding planning grants under this section to develop and evaluate housing policy plans and substantially improve housing strategies;

(2) $20,000,000 for research and evaluation related to housing policy planning and other associated costs;

(3) $70,000,000 to provide technical assistance to grantees or applicants for grants made available by this section; and

(4) $150,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, fair housing compliance, and other cross-program costs in support of programs administered by the Secretary in this title; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) PROGRAM ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish a competitive grant program for—

(1) planning grants to develop and evaluate housing policy plans and substantially improve housing strategies;

(2) streamlining regulatory requirements and shorten processes, reform zoning codes, or other initiatives that reduce barriers to housing supply elasticity and affordability;

(3) developing and evaluating local or regional plans for urban development to substantially improve urban develop-

ment strategies related to sustainability, fair housing, and location efficiency;

(4) implementation and livable community investment grants; and

(5) research and evaluation.

(c) GRANTS.—

(1) PLANNING GRANTS.—The Secretary shall, under selection criteria determined by the Secretary, award grants under this paragraph on a competitive basis to eligible entities to finance planning activities, including engagement with community stakeholders and housing practitioners, to—

(A) develop housing policy plans;

(B) substantially improve State or local housing strategies;

(C) develop new regulatory requirements and processes, reform zoning codes, or undertake other initiatives to reduce barriers to housing supply elasticity and affordability;

(D) develop local or regional plans for urban development; and

(E) substantially improve urban development strategies, including strategies to increase availability and access to affordable housing, to further access to public transportation or to advance other sustainable or location-efficient urban development goals.

(2) IMPLEMENTATION AND LIVABLE COMMUNITY INVESTMENT GRANTS.—The Secretary shall award implementation grants under this paragraph on a competitive basis to eligible entities for the purpose of implementing—

(A) completed housing strategies and housing policy plans and any planning to affirmatively further fair housing within the meaning of subsections (d) and (e) of section 808 of the Fair Housing Act (42 U.S.C. 608) and applicable regulations and for community investments that support the goals identified in such housing strategies or housing policy plans;

(B) new regulatory requirements and processes, reformed zoning codes, or other initiatives to reduce barriers to housing supply elasticity and affordability that are consistent with a plan under subparagraph (A);

(C) completed local or regional plans for urban development and any planning to increase availability and access to affordable housing, access to public transportation and other sustainable or location-efficient urban development goals.

(d) COORDINATION WITH FTA ADMINISTRATOR.—To the extent practicable, the Secretary shall coordinate with the Federal Transit Administrator in carrying out this section.

(e) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, insular area, metropolitan city, or urban county, as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302); or

(B) for purposes of grants under subsection (b)(1), a regional planning agency or consortia.

(2) HOUSING POLICY PLAN; HOUSING STRATEGY.—

(A) HOUSING POLICY PLAN.—The term "housing policy plan" means a plan of an eligible entity to, with respect to the area within the jurisdiction of the eligible entity—

(i) match the creation of housing supply to existing demand and projected demand growth in the area, with attention to preventing displacement of residents, reducing the concentration of poverty, and meaningfully reducing and not perpetuating housing segregation on the basis of race, color, religion, natural origin, sex, disability, or familial status;

(ii) increase the affordability of housing in the area, increase the accessibility of housing in the area for people with disabilities, including location-efficient housing, and preserve or improve the quality of housing in the area;

(iii) reduce barriers to housing development in the area, with consideration for location efficiency, affordability, and accessibility; and

(iv) coordinate with the metropolitan transportation plan of the area under the jurisdiction of the eligible entity, or other regional plan.

(B) HOUSING STRATEGY.—The term "housing strategy" means the housing strategy required under section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705).

(f) COSTS TO GRANTEES.—Up to 15 percent of a recipient's grant may be used for administrative costs.

(g) RULES OF CONSTRUCTION.—

(1) IN GENERAL.— Except as otherwise provided by this section, amounts appropriated or otherwise made available under this section shall be subject to the community development block grant program requirements under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) EXCEPTIONS.—

(A) HOUSING CONSTRUCTION.—Expenditures on new construction of housing shall be an eligible expense under this section.

(B) BUILDINGS FOR GENERAL CONDUCT OF GOVERNMENT .—Expenditures on building for the general conduct of government, other than the Federal Government, shall be eligible under this section when necessary and appropriate as a part of a natural hazard mitigation project.

(h) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expe-

dite or facilitate the use of amounts made available under this section.

(i) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40104. STRENGTHENING RESILIENCE UNDER NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM DEBT.—

(1) CANCELLATION.—Subject only to paragraphs (2) and (3) and notwithstanding any other provision of law, all indebtedness of the Administrator of the Federal Emergency Management Agency under any notes or other obligations issued pursuant to section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 7 4016(a)) and section 15(e) of the Federal Insurance Act of 1956 (42 U.S.C. 2414(e)), and outstanding as of the date of the enactment of this Act, is hereby canceled, the Administrator and the National Flood Insurance Fund are relieved of all liability to the Secretary of the Treasury under any such notes or other obligations, including for any capitalized interest due under such notes or other obligations and any other fees and charges payable in connection with such notes and obligations, and the total amount of notes and obligations issued by the Administrator pursuant to such section shall be considered to be reduced by such amount for purposes of the limitation on such total amount under such section.

(2) USE OF SAVINGS.—Effective on and after October 1, 2031, the Administrator of the Federal Emergency Management Agency shall use any savings accruing from the cancellation of debt under paragraph (1), including any amounts of interest payments avoided from such cancellation, only for deposit in and use under the National Flood Insurance Reserve Fund under section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017A).

(3) TREATMENT OF CANCELED DEBT.—The amount of the indebtedness canceled under paragraph (1) may be treated as a public debt of the United States.

(b) FLOOD HAZARD MAPPING AND RISK ANALYSIS.——In addition to amounts otherwise available, there is appropriated to the Administrator of the Federal Emergency Management Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until expended, for necessary expenses for flood hazard mapping and risk analysis, which shall be in addition to, and shall supplement—

(1) amounts otherwise available for those purposes, including amounts appropriated to the National Flood Insurance Fund established under section 1310 of such Act (42 U.S.C. 4017); and

(2) any funds provided to the Administrator by States and local governments under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)).

(c) MEANS-TESTED ASSISTANCE FOR NATIONAL FLOOD INSURANCE PROGRAM POLICYHOLDERS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Federal Emergency Management Agency 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 carry out a means-tested program under which the Administrator provides assistance to eligible policyholders in the form of graduated discounts for insurance costs with respect to covered properties.

(2) TERMS AND CONDITIONS.—

(A) DISCOUNTS.—The Administrator shall use funds provided under this subsection to establish graduated discounts available to eligible policyholders under this subsection, with respect to covered properties, which may be based on the following factors:

(i) The percentage by which the household income of the eligible policyholder is equal to, or less than, 120 percent of the area median income for the area in which the property to which the policy applies is located.

(ii) The number of eligible policyholders participating in the program authorized under this subsection.

(iii) The availability of funding.

(iv) Any other factor that the Administrator finds reasonable and necessary to carry out the purposes of this subsection

(B) DISTRIBUTION OF PREMIUM.—With respect to the amount of the discounts provided under this subsection in a fiscal year, and any administrative expenses incurred in carrying out this subsection for that fiscal year, the Administrator shall, from amounts made available to carry out this subsection for that fiscal year, deposit in the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) an amount equal to those discounts and administrative expenses, except to the extent that section 1310A of the National Flood Insurance Act of 1968 (42 U.S.C. 4017a) applies to any portion of those discounts or administrative expenses, in which case the Administrator shall deposit an amount equal to those amounts to which such section 1310A applies in the National Flood Insurance Reserve Fund established under such section 1310A.

(C) REQUIREMENT ON TIMING.—Not later than 21 months after the date of the enactment of this section, the Administrator shall issue interim guidance to implement this subsection which shall expire on the later of—

(i) the date that is 60 months after the date of the enactment of this section; or

(ii) the date on which a final rule issued to implement this subsection takes effect.

(3) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(B) COVERED PROPERTY.—The term "covered property" means—

(i) a primary residential dwelling designed for the occupancy of from 1 to 4 families; or

(ii) personal property relating to a dwelling described in clause (i).

(C) ELIGIBLE POLICYHOLDER.—The term "eligible policyholder" means a policyholder with a household income that is not more than 120 percent of the area median income for the area in which the property to which the policy applies is located.

(D) INSURANCE COSTS.—The term "insurance costs" means, with respect to a covered property for a year—

(i) risk premiums and fees estimated under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) and charged under section 1308 of such Act (42 U.S.C. 4015);

(ii) surcharges assessed under sections 1304 and 1308A of such Act (42 U.S.C. 4011, 4015a); and

(iii) any amount established under section 1310A(c) of such Act (42 U.S.C. 4017a).

SEC. 40105. COMMUNITY RESTORATION AND REVITALIZATION FUND.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Community Restoration and Revitalization Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $5,700,000,000 for awards of planning and implementation grants to eligible recipients to carry out community-led projects to stabilize neighborhoods and increase access to economic opportunity for residents by creating equitable civic infrastructure and creating or preserving affordable, accessible housing;

(2) $500,000,000 for awards of grants to eligible recipients to create, expand, and maintain community land trusts and shared equity homeownership, including through the acquisition, rehabilitation, and new construction of affordable, accessible housing;

(3) $1,000,000,000 for the Secretary to provide technical assistance, capacity building, program support to applicants, potential applicants, and recipients of amounts appropriated for grants under this section; and

(4) $300,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, fair housing compliance, and other cross-program costs in support of programs administered by the Secretary in this title; the Secretary may transfer and merge amounts appropriated under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(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 (in this section referred to as the "Fund") to award planning and implementation grants on a competitive basis to eligible recipients as defined in this section for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for community-led projects that create civic infrastructure to support a community's social, economic, and civic fabric, create fair, affordable and accessible housing opportunities, prevent residential displacement, acquire and remediate blighted properties, and promote quality job creation and retention.

(c) GRANTS.—

(1) GEOGRAPHICAL AREAS.—The Secretary shall award grants from the Fund to eligible recipients within geographical areas at the neighborhood, county, census tract, or census tract level, including census tracts adjacent to the project area that are areas in need of investment, and that have at least two of the following indicators:

(A) Dwelling unit sales prices that are lower than the cost to acquire and rehabilitate, or build, a new dwelling unit.

(B) High proportions of residential and commercial properties that are vacant due to foreclosure, eviction, abandonment, or other causes.

(C) Low rates of homeownership.

(D) Disparities in racial and ethnic homeownership rates.

(E) High and persistent rates of poverty.

(F) High rates of unemployment and underemployment.

(G) Population at risk of displacement due to rising housing costs.

(H) Historic population loss.

(I) Lack of private sector lending on fair and competitive terms for individuals to purchase homes or start small businesses.

(J) Other indicators of economic distress.

(d) ELIGIBLE RECIPIENTS AND APPLICANTS.—

(1) ELIGIBLE RECIPIENT.—An eligible recipient of a grant under subsection (b)(1) shall be a local partnership of a lead applicant and one or more joint applicants with the ability to administer the grant. An eligible recipient of a grant under subsection (b)(2) shall be a lead applicant with the ability to administer the grant, including a regional or national nonprofit, that may include a joint applicant.

(2) LEAD APPLICANT.—An eligible lead applicant for a grant awarded under this section shall be—

(A)(i) a nonprofit organization that—

(I) demonstrates a commitment to anti-displacement efforts and has expertise in community planning, engagement, organizing, housing and community development, or neighborhood revitalization; and

(II) is located within or serves the geographical area of the project or that derives its mission and oper-

ational priorities from the needs of the geographical area of the project; or

(ii) if the geographical area of the project is located in any area where no such local nonprofit organization exists, a national nonprofit organization with such expertise;

(B) a community development corporation, that is located within or serves the geographical area of the project and can demonstrate a track record of making investments in the geographical area of the project, and demonstrates a commitment to anti-displacement efforts;

(C) a community housing development organization, defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) or a community-based development organization, that is located within or serves the geographical area of the project and experienced in neighborhood revitalization, community-based economic development, housing development activities, and demonstrates a commitment to anti-displacement efforts; or

(D) a community development financial institution, as defined by section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702), that is located within or serves the geographical area of the project, demonstrates a commitment to anti-displacement efforts, and has a track record of making investments in the geographic project area.

(3) JOINT APPLICANTS.—A joint applicant shall be a local, regional or national entity that is—

(A) an organization that qualifies as a lead applicant;

(B) a unit of general local government, as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302);

(C) an Indian tribe, as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302);

(D) a nonprofit organization;

(E) a community development corporation;

(F) an anchor institution;

(G) a State housing finance agency (as such term is defined in section 106(h) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h))) or a related State agency;

(H) a land bank;

(I) a fair housing enforcement organization (as such term is defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a));

(J) a public housing agency (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)));

(K) a community development financial institution, as defined by section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702); or

(L) a philanthropic organization.

(e) ELIGIBLE USES.—

(1) IN GENERAL.—Grants awarded under this section may be used to support civic infrastructure and housing-related activities. Projects must include at least one civic infrastructure and at least one housing-related activity.

(2) PLANNING GRANTS.—Planning grants awarded under this section may be used for civic infrastructure and housing-related activities, including—

(A) fair housing planning, to affirmatively further fair housing;

(B) planning to prevent displacement especially of extremely-low, very-low, low- and moderate-income homeowners, renters, and people experiencing homelessness;

(C) community planning and outreach;

(D) neighborhood engagement with resident leaders and community groups;

(E) pre-development activities;

(F) community engagement processes;

(G) market analysis;

(H) financial planning and feasibility; and

(I) site surveys.

(3) IMPLEMENTATION GRANTS.—Implementation grants awarded under this section may be used for activities eligible under section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) and other activities to support civic infrastructure and housing-related activities, including—

(A) new construction of housing;

(B) demolition of abandoned or distressed structures, but only if such activity is part of a strategy that incorporates rehabilitation or new construction, anti-displacement efforts such as tenants' right to return and right of first refusal to purchase, and efforts to increase affordable, accessible housing and homeownership, except that not more than 10 percent of any grant made under this section may be used for activities under this subparagraph unless the Secretary determines that such use is to the benefit of existing residents;

(C) facilitating the creation, maintenance, or availability of rental units, including units in mixed-use properties, affordable and accessible to a household whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary, for a period of not less than 30 years;

(D) facilitating the creation, maintenance, or availability of homeownership units affordable and accessible to households whose incomes do not exceed 120 percent of the median income for the area, as determined by the Secretary;

(E) establishing or operating land banks; and

(F) providing assistance to existing residents experiencing economic distress or at risk of displacement, including purchasing nonperforming mortgages and clearing and obtaining formal title.

(4) COMMUNITY LAND TRUST GRANTS.—An eligible recipient of a community land trust grant awarded under this section may use such grant for activities to support civic infrastructure, in-

cluding the production, acquisition, and rehabilitation of housing for use in a community land trust or shared equity homeownership program, and expanding the capacity of the recipient to carry out the grant.

(5) COSTS OF GRANTEES.—Up to 20 percent of a recipient's grant may be used for administrative costs.

(f) RULES OF CONSTRUCTION.—Except as otherwise provided by this section, amounts appropriated or otherwise made available under this section shall be subject to the community development block grant program requirements under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(g) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is necessary to expedite or facilitate the use of amounts made available under this section.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANCHOR INSTITUTION.—The term "anchor institution" means a school, a library, a healthcare provider, a community college or other institution of higher education, museum or cultural institution, or another community support organization or entity.

(2) 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 preemptive 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.

(3) LAND BANK.—The term "land bank" means a government entity, agency, or program, or a special purpose nonprofit entity formed by one or more units of government in accordance with State or local land bank enabling law, that has been designated by one or more State or local governments to acquire, steward, and dispose of vacant, abandoned, or other problem properties in accordance with locally-determined priorities and goals.

(4) 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 a community land trust, other nonprofit organization, or State or local government or instrumentalities and that utilizes a ground lease,

deed restriction, subordinate loan, or similar legal mechanism that includes 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;

(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 at resale.

SEC. 40106. FAIR HOUSING ACTIVITIES AND INVESTIGATIONS.

(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) $770,000,000 for the Fair Housing Initiatives Program under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) to ensure existing and new fair housing organizations have expanded and strengthened capacity to address fair housing inquiries and complaints, conduct local, regional, and national testing and investigations, conduct education and outreach activities, and address costs of delivering or adapting services to meet increased housing market activity and evolving business practices in the housing, housing-related, and lending markets. Amounts made available under this section shall support greater organizational continuity and capacity, including through up to 10-year grants; and

(2) $230,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Initiatives and Fair Housing Assistance Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs. The Secretary may transfer and merge amounts set aside under this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40107. INTERGOVERNMENTAL FAIR HOUSING ACTIVITIES AND INVESTIGATIONS.

(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) $184,000,000 for support for cooperative efforts with State and local agencies administering fair housing laws under section 817 of the Fair Housing Act (42 U.S.C. 3616) to assist the Secretary to affirmatively further fair housing, and for Fair Housing Assistance Program cooperative agreements with interim certified and certified State and local agencies, under the requirements of subpart C of part 115 of title 24, Code of Federal Regulations, to ensure expanded and strengthened capacity of substantially equivalent agencies to assume a greater share of the responsibility for the administration and enforcement of fair housing laws; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301; and

(2) $66,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Assistance and Fair Housing Initiatives Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

Subtitle C—Homeownership Investments

SEC. 40201. FIRST-GENERATION DOWNPAYMENT ASSISTANCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the First Generation Downpayment Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $6,825,000,000 for the First-Generation Downpayment Assistance Fund under this section for allocation among States that the Secretary of Housing and Urban Development has not found to be out of compliance with the obligation to affirmatively further fair housing, in accordance with a formula established by the Secretary, which shall take into consideration adult population size excluding homeowners, median area home prices, and racial disparities in homeownership rates, to carry out the eligible uses of the Fund as described in subsection (c);

(2) $2,275,000,000 for the First-Generation Downpayment Assistance Program under this section for competitive grants to eligible entities that the Secretary has not found to be out of compliance with the obligation to affirmatively further fair housing, to carry out the eligible uses of the Fund as described in subsection (d);

(3) $500,000,000 for the costs of providing housing counseling required under the First-Generation Downpayment Assistance Program under subsection (c)(1); and

(4) $400,000,000 for the costs to the Secretary of administering and overseeing the implementation of the First-Generation Downpayment Assistance Program, including information technology, financial reporting, programmatic reporting, ensuring fair housing and fair lending compliance, research and evaluations, technical assistance to recipients of amounts under this section, and other cross-program costs in support to programs administered by the Secretary in this Act, and other costs; the Secretary may transfer and merge accounts set aside under this clause to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish and manage a fund to be known as the First Generation Downpayment Fund (in this section referred to as the "Fund") for the uses set forth in subsection (d).

(c) ALLOCATION OF FUNDS.—

(1) INITIAL ALLOCATION.—The Secretary shall allocate and award funding provided by subsection (a) as provided under such subsection not later than 12 months after the date of the enactment of this section.

(2) REALLOCATION OF FUNDS.—If a State or eligible entity does not demonstrate the capacity to expend grant funds provided under this section, the Secretary shall reallocate the grant funds of such grantee among States and eligible entities that demonstrate to the Secretary the capacity to expend such amounts and that are satisfactorily meeting the goals of this section.

(d) TERMS AND CONDITIONS OF GRANTS ALLOCATED OR AWARDED FROM FUND.—

(1) USES OF FUNDS.—States and eligible entities receiving grants from the Fund shall—

(A) use such grants to provide assistance on behalf of a qualified homebuyer who has completed a program of housing counseling before entering into a sales purchase agreement, as the Secretary shall require, provided through a housing counseling agency approved by the Secretary for—

(i) costs in connection with the acquisition, involving an eligible mortgage loan, of an eligible home, including downpayment costs, closing costs, and costs to reduce the rates of interest on eligible mortgage loans;

(ii) subsidies to make shared equity homes affordable to eligible homebuyers by discounting the price for which the home will be sold and to preserve the home's affordability for subsequent homebuyers; and

(iii) pre-occupancy home modifications that may be necessary to meet required property standards or accommodate qualified homebuyers or members of their household with disabilities;

(B) use not more than 10 percent of their grant allocation or award for administrative costs and training for carrying out the program of the State or eligible entity to provide assistance with such grant amounts, as well as to develop the capacity to track and monitor program outcomes in consultation with community-based and nonprofit organizations that have as their mission to advance fair housing and fair lending; and

(C) comply with the obligation to affirmatively further fair housing, as defined by the Secretary to implement section 808(e)(5) of the Fair Housing Act (42 U.S.C. 3608(e)(5)), in any program or activity related to the use of such funds.

(2) AMOUNT AND LAYERING OF ASSISTANCE.—Assistance under this section—

(A) may be provided to or on behalf of any qualified homebuyer only once;

(B) may not exceed the greater of $20,000 or 10 percent of the purchase price in the case of a qualified homebuyer, not to include assistance received under subsection (d)(1)(A)(iii) for disability related home modifications, except that the Secretary may increase such maximum limitation amounts in the case of a qualified homebuyer who is economically disadvantaged; and

(C) may be provided to or on behalf of a qualified homebuyer who is receiving assistance from other sources, including other State, Federal, local, private, public, and nonprofit sources, for acquisition of an eligible home.

(3) PROHIBITION OF PRIORITY.—In selecting qualified homebuyers for assistance with grant amounts under this section, a State or eligible entity may not provide any priority or preference for homebuyers who are acquiring eligible homes with a mortgage loan made, insured, guaranteed, or otherwise assisted by the State housing finance agency for the State, any other housing agency of the State, or an eligible entity when applicable.

(4) REPAYMENT OF ASSISTANCE.—

(A) REQUIREMENT.—The Secretary shall require that, if a homebuyer to or on behalf of whom assistance is provided from grant amounts under this section fails or ceases to occupy the property acquired using such assistance as the primary residence of the homebuyer, except in the case of assistance is provided in connection with the purchase of a principal residence through a shared equity homeownership program, the homebuyer shall repay to the State or eligible entity, as applicable, in a proportional amount of the assistance the homebuyer receives based on the number of years they have occupied the eligible home up to 5 years, except that no assistance shall be repaid if the qualified homebuyer occupies the eligible home as a primary residence for 5 years or more.

(B) LIMITATION.—Notwithstanding subparagraph (A), a homebuyer to or on behalf of whom assistance is provided from grant amounts under this section shall not be liable

to the State or eligible entity for the repayment of the amount of such shortage if the homebuyer fails or ceases to occupy the property acquired using such assistance as the principal residence of the homebuyer at least in part because of a hardship, such as death or military deployment; a financial hardship, such as a significant reduction in income, or increase in medical expenses; relocation for a reason related to domestic violence, dating violence, sexual assault, or stalking, as defined in the Secretary's regulations implementing the Violence Against Women Act; or relocation for a reason related to the homebuyer or a member of the household's disabilities; or another hardships based on criteria established by the Secretary, or sells the property acquired with such assistance before the expiration of the 60-month period beginning on such date of acquisition and the capital gains from such sale to a bona fide purchaser in an arm's length transaction are less than the amount the homebuyer is required to repay the State or eligible entity under subparagraph (A).

(5) COMMUNITY LAND TRUSTS AND SHARED EQUITY HOMEOWNERSHIP PROGRAMS.—If assistance from grant amounts under this section is provided in connection with an eligible home made available through a community land trust or shared equity homeownership program, such assistance shall remain in the community land trust or shared equity property upon transfer of the property to keep the home affordable to the next eligible community land trust or shared equity homebuyer.

(6) RELIANCE ON BORROWER ATTESTATIONS.—No additional documentation beyond the borrower's attestation shall be required to demonstrate eligibility under subparagraphs (B) and (C) of subsection (e)(6) and no State, eligible entity, or creditor shall be subject to liability, including monetary penalties or requirements to indemnify a Federal agency or repurchase a loan that has been sold or securitized, based on the provision of assistance under this section to or on behalf of a borrower who does not meet the eligibility requirements under such subparagraphs if the creditor does so in good faith reliance on borrower attestations of eligibility required under such subparagraphs.

(7) REPORTING.—The Secretary may require the reporting of such information on the use of grants provided from the Fund as the Secretary may require to carry out this subsection.

(e) 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 government, agencies or instrumentalities thereof, that—

(A) use a ground lease or deed covenant with an affordability period of at least 30 years to—

(i) make homeownership units affordable to households; and

(ii) stipulate a preemptive option to purchase the affordable 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) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a minority depository institution, as such term is defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note);

(B) a community development financial institution, as such term is defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702), that is certified by the Secretary of the Treasury and targets services to low-income and socially disadvantaged populations and provides services in neighborhoods having high concentrations of minority, low-income and socially disadvantaged populations; and

(C) any other nonprofit, mission-driven entity that the Secretary finds has a track record of providing assistance to homeowners, targets services to low-income and socially disadvantaged populations, and provides services in neighborhoods having high concentrations of minority, low-income, or socially disadvantaged populations.

(3) ELIGIBLE HOME.—The term "eligible home" means a residential dwelling, including a unit in a condominium or cooperative project or a manufactured housing unit, that—

(A) consists of 1 to 4 dwelling units; and

(B) will be occupied by the qualified homebuyer, in accordance with such assurances and commitments as the Secretary shall require, as the primary residence of the homebuyer.

(4) ELIGIBLE MORTGAGE LOAN.—The term "eligible mortgage loan" means a single-family residential mortgage loan that—

(A) meets the underwriting requirements and dollar amount limitations for acquisition by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation;

(B) is made, insured, or guaranteed under any program administered by the Secretary;

(C) is made, insured, or guaranteed under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.);

(D) is a qualified mortgage, as such term is defined in section 129C(b)(2) of the Truth in Lending Act (15 U.S.C. 1639c(b)(2)); or

(E) is made, insured, or guaranteed for the benefit of a veteran.

(5) FIRST GENERATION HOMEBUYER.—The term "first-generation homebuyer" means a homebuyer that is, as attested by the homebuyer—

(A) an individual—

(i) whose living parents or legal guardians do not, to the best of the individual's knowledge, have any present fee simple ownership interest in a principal

residence in any State, excluding ownership of heir property;

(ii) who, if no parents or legal guardians are living upon acquisition of the eligible home to be acquired using such assistance, to the best of the individual's knowledge, their parents or legal guardians did not have any ownership interest in a principal residence in any State at the time of their death, excluding ownership of heir property; and

(iii) whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a principal residence in any State, excluding ownership of heir property, whether the individual is a co-borrower on the loan or not; or

(B) an individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any ownership interest in a principal residence in any State, excluding ownership of heir property, whether such individuals are co-borrowers on the loan or not.

(6) QUALIFIED HOMEBUYER.—The term "qualified homebuyer" means a homebuyer—

(A) having an annual household income that is less than or equal to—

(i) 120 percent of median income, as determined by the Secretary, for—

(I) the area in which the home to be acquired using such assistance is located; or

(II) the area in which the place of residence of the homebuyer is located; or

(ii) 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using such assistance is located if the homebuyer is acquiring an eligible home located in a high-cost area;

(B) who is a first-time homebuyer, as such term is defined at 42 U.S.C. 12704, except that ownership of heir property shall not be treated as owning a home for purposes of determining whether a borrower qualifies as a first-time homebuyer; and

(C) who is a first-generation homebuyer.

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(8) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—

(A) IN GENERAL.—The term "shared equity homeownership program" means affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities.

(B) AFFORDABILITY REQUIREMENTS.—Any such program under subparagraph (A) shall—

(i) provide affordable homeownership opportunities to households; and

(ii) utilize a ground lease, deed restriction, subordinate loan, or similar legal mechanism that includes provisions ensuring that the program shall—

(I) maintain the homeownership unit as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(II) apply a resale formula that limits the homeowner's proceeds upon resale; and

(III) provide the program administrator or such administrator's assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

(9) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(10) HEIR PROPERTY.—The term "heir property" means residential property for which title passed by operation of law through intestacy and is held by two or more heirs as tenants in common.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40202. WEALTH-BUILDING HOME LOAN PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated—

(1) $480,000,000 to the Secretary of Housing and Urban Development for carrying out the program established under subsection (b) and programs of the Federal Housing Administration and the Government National Mortgage Association generally, including information technology, financial reporting, other cross-program costs in support of programs administered by the Secretary in this Act, other costs, and for the cost of guaranteed loans and other obligations; and

(2) $20,000,000 to the Secretary of Agriculture for carrying out the program established under subsection (b) and programs of the Rural Housing Service generally, including information technology and financial reporting in support of the Program administered by the Secretary of Agriculture in this Act, other costs, and for the cost of guaranteed loans and other obligations.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) ESTABLISHMENT OF LIFT HOME FUNDS.—

(1) IN GENERAL.—There is established in each Loan Guarantee Agency a fund to be known as the LIFT HOME Fund, into which amounts appropriated under this section shall be deposited and which shall be used by each Department for carrying out the purposes of this section.

(2) MANAGEMENT OF FUND.—The LIFT HOME Fund of each Loan Guarantee Agency shall be administered and managed by the respective Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the Fund.

(c) USE OF FUNDS.—

(1) TRANSFER OF AMOUNTS TO TREASURY.—Such portions of the appropriation to the Secretary of Housing and Urban Development shall be transferred by the Secretary of Housing and Urban Development to the Department of the Treasury in an amount equal to, as determined by the Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development—

(A) the amount the Secretary of the Treasury estimates to be necessary for the purchase of securities under the Program during the period for which the funds are intended to be available;

(B) the difference between—

(i) the Secretary of the Treasury's receipts from the sale or other disposition of securities acquired under the Program; and

(ii) the Secretary of the Treasury's costs in purchasing such securities; and

(C) the Department of the Treasury's administrative expenses related to the Program.

(2) CREDIT SUBSIDY.—Such portion of the appropriation to each Secretary as may be necessary may be used for the cost to the respective Loan Guarantee Agency of guaranteed loans under this section. Such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(d) ESTABLISHMENT OF THE LIFT HOME PROGRAM.—Each Secretary shall establish, and carry out, with respect to any mortgage with a case number issued on or before December 31, 2025, that is subsequently insured or guaranteed by such Secretary, a program to make covered mortgage loans available to eligible homebuyers to purchase a single-family residence for use as their principal residence (referred to in this section as the "Program"), under which—

(1) the Secretary of the Treasury—

(A) shall act as a purchaser, on behalf of the Secretary of Housing and Urban Development, of securities that are secured by covered mortgage loans;

(B) may designate financial institutions, including banks, savings associations, trust companies, security brokers or dealers, asset managers, investment advisers, and other institutions and such institutions shall—

(i) perform all reasonable duties related to this section as a financial agent of the United States as may be required; and

(ii) be paid for such duties using appropriations available to the Secretary of the Treasury to reimburse financial institutions in their capacity as financial agents of the United States;

(C) may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component;

(D) may manage, and exercise any rights received in connection with, any financial instruments or assets purchased or acquired pursuant to the authorities granted under this section;

(E) may establish and use vehicles to purchase, hold, and sell financial instruments and other assets; and

(F) may issue such regulations and other guidance as may be necessary or appropriate to carry out the authorities or purposes of this section;

(2) each Secretary of a Loan Guarantee Agency shall—

(A) establish pricing terms for covered mortgage loans such that the covered mortgage loans carry a monthly mortgage payment of principal and interest that is not more than 110 percent and not less than 100 percent of the monthly payment of principal, interest, and periodic mortgage insurance premium or loan guarantee fee associated with a newly originated 30-year mortgage loan with the same loan balance insured or guaranteed by the Loan Guarantee Agency as determined by each Secretary, or such pricing terms as are determined by each Secretary to be necessary to develop liquidity for securities backed by covered mortgage loans and expand Program participation by eligible homebuyers; and

(B) establish an outreach and counseling program to increase stakeholder awareness of the Program; and

(3) the Secretary of Housing and Urban Development shall—

(A) in consultation with the Secretary of Treasury, establish the pricing terms for the purchase of securities guaranteed by the Association secured by covered mortgage loans such that the covered mortgage loans carry a monthly mortgage payment of principal and interest that is not more than 110 percent and not less than 100 percent of the monthly payment of principal, interest, and periodic mortgage insurance premium or loan guarantee fee associated with a newly originated 30-year mortgage loan with the same loan balance insured or guaranteed by the Loan Guarantee Agency, or such pricing terms as are determined by the Secretaries to be necessary to develop liquidity for securities backed by covered mortgage loans and expand Program participation by eligible homebuyers;

(B) have the authority to designate mortgage bankers, financial institutions, including banks, savings associations, trust companies, security brokers or dealers, asset managers, investment advisers, and other institutions and such institutions shall—

(i) perform all reasonable duties related to this section as an agent of the United States as may be required; and

(ii) be paid for such duties using appropriations available under this section to the Secretary of Housing and Urban Development to reimburse these entities in their capacity as agents of the United States;

(C) have the authority to use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary of Housing and Urban Development using all authorities vested in or delegated to that agency, instrumentality, or component;

(D) operate the Program in coordination with the Association, the Federal Housing Administration, the Rural Housing Service, and the Secretary of the Treasury so as to demonstrate feasibility and workability to market participants, including—

(i) originators and servicers of mortgages;

(ii) issuers of mortgage-backed securities; and

(iii) investors; and

(E) gain price discovery experience by instructing the Secretary of the Treasury, following consultation with the Secretary of Treasury to sell acquired securities described in subparagraph (A) as soon as practicable, thereby hastening the development of liquidity for securities backed by covered mortgage loans.

(3) LIMITATION ON AGGREGATE LOAN GUARANTEE AUTHORITY.—The aggregate original principal obligation of all covered mortgage loans under this section for each Loan Guarantee Agency may not exceed $5,000,000,000.

(4) GNMA GUARANTEE AUTHORITY.—To carry out the purposes of this section, the Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $10,000,000,000.

(5) GNMA GUARANTY FEE.—To carry out the purposes of this section, the Association may collect guaranty fees consistent with section 306(g)(1) of the National Housing Act (12 U.S.C. 1721(g)(1)) that are paid at securitization.

(e) DEFINITIONS.—In this section:

(1) ASSOCIATION.—The term "Association" means the Government National Mortgage Association.

(2) COVERED MORTGAGE LOAN.—

(A) IN GENERAL.—The term "covered mortgage loan" means, for purposes of the Program established by the Secretary of Housing and Urban Development, a mortgage loan that—

(i) is insured or guaranteed by the Federal Housing Administration pursuant to section 203(b) of the National Housing Act, subject to the eligibility criteria set forth in this subsection, and has a case number issued on or before December 31, 2025;

(ii) is made for an original term of 20 years or for an original term determined by the Secretary to be necessary to develop liquidity for securities backed by covered mortgage loans and expand Program participation by eligible homebuyers;

(iii) subject to subparagraph (C) of this paragraph and notwithstanding section 203(b)(2)(C) of the National Housing Act (12 U.S.C. 1709(b)(2)(C)), has a mortgage insurance premium of not more than 4 percent of the loan balance that is paid at closing, financed into the principal balance of the loan, paid through an annual premium, or a combination thereof;

(iv) involves a rate of interest that is fixed over the term of the mortgage loan; and

(v) is secured by a single-family residence that is the principal residence of an eligible homebuyer.

(B) The term "covered mortgage loan" means, for purposes of the Program established by the Secretary of Agriculture, a loan guaranteed under section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) that—

(i) notwithstanding section 502(h)(7)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(7)(A)), is made for an original term of 20 years or for an original term determined by the Secretary to be necessary to develop liquidity for securities backed by covered mortgage loans and expand Program participation by eligible homebuyers; and

(ii) subject to subparagraph (C) of this paragraph and notwithstanding section 502(h)(8)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)(A)), has a loan guarantee fee of not more than 4 percent of the principal obligation of the loan.

(C) WAIVER OF MORTGAGE INSURANCE PREMIUM REQUIREMENT.—Each Secretary, in consultation with the Secretary of the Treasury, and notwithstanding section 502(h)(8)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)(A)) for purposes of the Program established by the Secretary of Agriculture, may waive the mortgage insurance premium cap or loan guarantee fee cap under subparagraphs (A)(iii) and (B)(ii) with respect to covered mortgage loans insured or guaranteed by the Loan Guarantee Agency of which that Secretary is the head if necessary to protect the solvency of the associated insurance fund.

(3) DEPARTMENT.—Unless otherwise specified, the term "Department" means the Department of Housing and Urban Development or the Department of Agriculture, as appropriate.

(4) ELIGIBLE HOMEBUYER.—The term "eligible homebuyer" means an individual who—

(A) for purposes of the Program established by the Secretary of Housing and Urban Development—

(i) has an annual household income that is less than or equal to—

(I) 120 percent of median income for the area, as determined by the Secretary of Housing and Urban Development for—

(aa) the area in which the home to be acquired using such assistance is located; or

(bb) the area in which the place of residence of the homebuyer is located; or

(II) if the homebuyer is acquiring an eligible home that is located in a high-cost area, 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using assistance provided under this section is located;

(ii) is a first-time homebuyer, as defined in paragraph (6) of this subsection; and

(iii) (iii) is a first-generation homebuyer as defined in paragraph (5) of this subsection;

(B) for purposes of the Program established by the Secretary of Agriculture—

(i) meets the applicable requirements in section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)); and

(ii) is a first-time homebuyer as defined in paragraph (6) of this subsection and a first-generation homebuyer as defined in paragraph (5) of this subsection.

(5) FIRST-GENERATION HOMEBUYER.—The term "first-generation homebuyer" means a homebuyer that, as attested by the homebuyer, is—

(A) an individual—

(i) whose living parents or legal guardians do not, to the best of the individual's knowledge, have any present fee simple ownership interest in a principal residence in any State, excluding ownership of heir property;

(ii) if no parents or legal guardians are living upon acquisition of the eligible home to be acquired using such assistance, to the best of the individual's knowledge, whose parents or legal guardians did not have any ownership interest in a principal residence in any State at the time of their death, excluding ownership of heir property; and

(iii) whose spouse, or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any present ownership interest in a principal residence in any State, excluding ownership of heir property, whether the individual is a co-borrower on the loan or not; or

(B) an individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any ownership interest in a principal residence in any State, excluding ownership of heir property, whether such individuals are co-borrowers on the loan or not.

(6) FIRST-TIME HOMEBUYER.—The term "first-time homebuyer" means a homebuyer as defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that ownership of heir property shall not be treated as owning a home for purposes of determining whether a borrower qualifies as a first-time homebuyer.

(7) HEIR PROPERTY.—The term "heir property" means residential property for which title passed by operation of law through intestacy and is held by two or more heirs as tenants in common.

(8) LOAN GUARANTEE AGENCY.—Unless otherwise specified, the term "Loan Guarantee Agency" means the Federal Housing Administration of the Department of Housing and Urban Development or the Rural Housing Service of the Department of Agriculture, as appropriate.

(9) SECRETARY.—Unless otherwise specified, the term "Secretary" means the Secretary of Housing and Urban Development or the Secretary of Agriculture, as appropriate.

(f) RELIANCE ON BORROWER ATTESTATIONS.—No additional documentation beyond the borrower's attestation shall be required to demonstrate eligibility under paragraph (4) of subsection (e) and no State, eligible entity, or creditor shall be subject to liability, including monetary penalties or requirements to indemnify a Federal agency or repurchase a loan that has been sold or securitized, based on the provision of assistance under this section to a borrower who does not meet the eligibility requirements under paragraph (4) of subsection (e) if the creditor does so in good faith reliance on borrower attestations of eligibility required under such paragraph.

(g) IMPLEMENTATION.—The Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Treasury shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40203. HUD-INSURED SMALL DOLLAR MORTGAGE DEMONSTRATION PROGRAM.

(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) $76,000,000 for a program to increase access to small-dollar mortgages, as defined in subsection (b), which may include

payment of incentives to lenders, adjustments to terms and costs, individual financial assistance, technical assistance to lenders and certain financial institutions to help originate loans, lender and borrower outreach, and other activities;

(2) $10,000,000 for the cost of insured or guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a); and

(3) $14,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and programs in the Office of Housing generally, including information technology, financial reporting, research and evaluations, fair lending compliance, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) SMALL-DOLLAR MORTGAGE.—For purposes of this section, the term "small-dollar mortgage" means a forward mortgage that—

(1) has an original principal balance of $100,000 or less;

(2) is secured by a one- to four-unit property that is the mortgagor's principal residence; and

(3) is insured by the Secretary pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.), or guaranteed by the Secretary pursuant to section 184 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a, 1715z-13b).

(c) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40204. INVESTMENTS IN RURAL HOMEOWNERSHIP.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture (in this section referred to as the "Secretary"), out of any money in the Treasury not otherwise appropriated—

(1) $70,000,000 for direct loans made under section 502 of the Housing Act of 1949 (42 U.S.C. 1472);

(2) $95,000,000 for providing single family housing repair grants under section 504 of the Housing Act of 1949 (42 U.S.C. 1474), subject to the terms and conditions in subsection (b) of this section;

(3) $25,000,000 for grants under section 523 of the Housing Act of 1949 (42 U.S.C. 1490c); and

(4) $10,000,000 for administrative expenses of the Secretary that in whole or in part support activities funded by this section and related activities.

Amounts appropriated by this section shall remain available until expended.

(b) TERMS AND CONDITIONS.—

(1) ELIGIBILITY.—Eligibility for grants from amounts made available by subsection (a)(2) shall not be subject to the limita-

tions in section 3550.103(b) of title 7, Code of Federal Regulations.

(2) USES.—Notwithstanding the limitations in section 3550.102(a) of title 7, Code of Federal Regulations, grants from amounts made available by subsection (a)(2) shall be available for the eligible purposes in section 3550.102(b) of title 7, Code of Federal Regulations.

SEC. 40205. SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, to the Secretary of Housing and Urban Development—

(1) $49,500,000 for grants under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note); and

(2) $500,000 for costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, fair lending compliance, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2031.

Subtitle D—HUD and Community Capacity Building

SEC. 40301. PROGRAM ADMINISTRATION, TRAINING, TECHNICAL ASSISTANCE, CAPACITY BUILDING, AND USICH.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated,—

(1) $1,985,000,000 to the Secretary of Housing and Urban Development for—

(A) the costs to the Secretary of administering and overseeing the implementation of this title and the Department's programs generally, including information technology, inspections of housing units, research and evaluation, financial reporting, and other costs; and

(B) new awards or increasing prior awards to provide training, technical assistance, and capacity building related to the Department's programs, including direct program support to program recipients throughout the country, including insular areas, that require such assistance with daily operations;

(2) $5,000,000 to the United States Interagency Council on Homelessness for necessary expenses in carrying out the functions of the Council pursuant to title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.); and

(3) $10,000,000 to the Secretary of Housing and Urban Development for necessary salaries and expenses of the Office of the Inspector General of the Department of Housing and

Urban Development in carrying out the Inspector General Act of 1978.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40302. COMMUNITY-LED CAPACITY BUILDING.

(a) APPROPRIATION.—In addition to amounts otherwise made 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) $90,000,000 for competitively awarded funds for technical assistance and capacity building to non-Federal entities, including nonprofit organizations that can provide technical assistance activities to community development corporations, community housing development organizations, community land trusts, nonprofit organizations in insular areas, and other mission-driven and nonprofit organizations that target services to low-income and socially disadvantaged populations, and provide services in neighborhoods having high concentrations of minority, low-income, or socially disadvantaged populations to—

(A) provide training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations, community housing development organizations, community land trusts, and other mission-driven and nonprofit organizations seeking to undertake affordable housing development, acquisition, preservation, or rehabilitation activities;

(B) provide grants or predevelopment assistance to community development corporations, community housing development organizations, and other mission-driven and nonprofit organizations seeking to undertake affordable housing development, acquisition, preservation, or rehabilitation activities; and

(C) carry out such other activities as may be determined by the grantees in consultation with the Secretary; and

(2) $10,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Department's technical assistance programs generally, including information technology, research and evaluations, financial reporting, fair housing compliance, and other cross-program costs in support of programs administered by the Secretary in this title and other costs; the Secretary may transfer and merge amounts set aside under this subsection to section 40301.

Amounts appropriated by this section shall remain available until September 30, 2031.

(b) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.

Subtitle E—Economic Development

SEC. 40401. MINORITY BUSINESS DEVELOPMENT AGENCY.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Minority Business Development Agency for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated—

(1) $200,000,000, to remain available until September 30, 2026, for carrying out subsection (b)(1);

(2) $1,200,000,000, to remain available until September 30, 2029, for carrying out subparagraphs (A), (B), (C), (D), (E), (F), and (H) of subsection (b)(2);

(3) $50,000,000, to remain available until September 30, 2026, for carrying out subparagraph (G) of subsection (b)(2);

(4) $1,500,000,000, to remain available until September 30, 2026, for carrying out subsection (b)(3); and

(5) $150,000,000, to remain available until September 30, 2029, for administrative costs associated with carrying out subsection (b)(3).

(b) MINORITY BUSINESS DEVELOPMENT AGENCY.—

(1) RURAL BUSINESS CENTERS.—The Director of the Minority Business Development Agency may enter into agreements with one or more rural Business Centers of the Agency that are operated by a minority-serving institution of higher education or by a consortium of institutions of higher education that is led by a minority-serving institution of higher education. Under such an agreement, a rural Business Center shall provide assistance primarily to eligible business enterprises located within a rural area, as defined by the Director.

(2) OTHER ACTIVITIES.—The Director of the Minority Business Development Agency shall—

(A) pay salaries and related costs for employees;

(B) pay for administrative and other costs to support initiatives that assist the formation, growth, and expansion of eligible business enterprises;

(C) establish and provide assistance to Business Centers and specialty Business Centers, prioritizing for such establishment in States or regions that lack a Business Center and have a significant population of members of an underrepresented community;

(D) establish not fewer than 5 regional offices, in locations determined by the Director;

(E) conduct an annual forum between the Federal Government and businesses to review existing programs and current challenges relating to capital formation by eligible business enterprises;

(F) establish a program to assist small, underserved manufacturers in accessing private capital by accelerating technology adoption and providing training and support in supply chain integration;

(G) provide grants to minority-serving institutions of higher education to develop and implement entrepreneurship curricula; and

(H) collect data and develop research and policies regarding the needs and development of eligible business enterprises.

(3) GRANTS.—

(A) IN GENERAL.—The Director of the Minority Business Development Agency may provide grants to—

(i) a eligible business enterprise; and

(ii) an eligible nonprofit organization that will make subgrants to eligible business enterprises located in areas with significant populations of members of underrepresented communities.

(B) APPLICATION.—In making grants and subgrants to eligible business enterprises and eligible nonprofit organizations under this section, the Director shall establish an application process and selection criteria, which shall include—

(i) assurances that the eligible business enterprise and eligible nonprofit organization will use such grants and subgrants to address gaps in access to capital, assist with startup costs, or support business expansion;

(ii) criteria for determining the size of grant or subgrant award for the eligible business enterprise and eligible nonprofit organization; and

(iii) other criteria as determined by the Director.

(C) ELIGIBLE NONPROFIT ORGANIZATIONS.—An eligible nonprofit organization that receives a grant under this section shall, when making a subgrant to an eligible business enterprise described under subparagraph (A)(ii), also use such grant to provide support to the eligible business enterprise in one or more of the following ways:

(i) Providing resources, which may include physical workspace and facilities, to startups and established eligible business enterprises.

(ii) Providing supports to accelerate the growth and success of eligible business enterprises through a variety of services, including—

(I) access to capital, business education, and counseling;

(II) networking opportunities;

(III) mentorship opportunities;

(IV) advising on market analysis, company strategy, revenue, growth, commercialization, and securing funding; and

(V) other services intended to aid in developing eligible business enterprises.

(D) BUSINESS IDENTIFIERS.—In accepting applications for grants to eligible business enterprises or subgrants to eligible business enterprises under this subsection, the Director shall allow each grantee or subgrantee to use existing business identifiers of the subgrantee instead of other forms of registration or identification.

(E) ELIGIBLE NONPROFIT ORGANIZATION.—In this paragraph, the term "eligible nonprofit organization" means an organization that is described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code for which a primary activity of the organization is to provide services or financial support to eligible business enterprises located in areas with significant populations of members of underrepresented communities.

(4) RETURNING FUNDS.—If an entity that receives a grant or assistance under this subsection fails to use all the funds or permanently ceases operations on or before September 30, 2031, the entity shall return the funds to the Minority Business Development Agency. The Minority Business Development Agency shall return all such funds to the Treasury if not expended by September 30, 2031.

(5) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Director and in addition to any other civil or criminal consequences, the Director shall withhold payments to an eligible applicant or order the eligible applicant to return any assistance provided under this section for failure to abide by the terms and conditions of such assistance.

(c) DEFINITIONS.—In this section:

(1) BUSINESS CENTER.—The term "Business Center" means any business center that—

(A) is established by the Minority Business Development Agency; and

(B) provides technical business assistance to minority business enterprises.

(2) ELIGIBLE BUSINESS ENTERPRISE.—The term "eligible business enterprise" means a business owned or controlled by one or more members of an underrepresented community.

(3) MEMBER OF AN UNDERREPRESENTED COMMUNITY.—The term "member of an underrepresented community" means an individual who is—

(A) a resident of—

(i) a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986;

(ii) a low-income rural community; or

(iii) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a);

(B) a member of an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131);

(C) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(D) a veteran, as defined in section 101 of title 38, United States Code;

(E) an individual who completed a term of imprisonment;

(F) an Afghan refugee, including an individual who has received a Special Immigrant Visa, a P–2 classification, or special parole status; or

(G) an individual otherwise identified by the Director.

(4) MINORITY-SERVING INSTITUTION OF HIGHER EDUCATION.—The term "minority-serving institution of higher education" means—

(A) an institution described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)); or

(B) a junior or community college, as defined in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058).

(5) SPECIALTY BUSINESS CENTER.—The term "specialty Business Center" means a Business Center that provides specialty services focusing on specific business needs, including assistance relating to—

(A) capital access;

(B) Federal procurement;

(C) entrepreneurship;

(D) technology transfer; or

(E) any other area determined necessary or appropriate based on the priorities of the Director of the Minority Business Development Agency.

SEC. 40402. MANUFACTURING FACILITY.

(a) IN GENERAL.—The State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701 et seq.) is amended—

(1) in section 3003—

(A) in subsection (b), by adding at the end the following:

"(3) 2022 ALLOCATION.—

"(A) IN GENERAL.—Not later than 30 days after the date of enactment of this paragraph, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to what the State would receive under the 2022 allocation, as determined under subparagraph (B).

"(B) 2022 ALLOCATION FORMULA.—

"(i) IN GENERAL.—With respect to States, the Secretary shall determine the 2022 allocation by allocating Federal funds among the States based on the manufacturing job losses per State over the 30-year period ending on the date of enactment of this paragraph.

"(ii) MANUFACTURING JOB LOSS DATA.—If the Secretary determines that manufacturing job loss data with respect to a State is unavailable from the Bureau of Labor Statistics of the Department of Labor, the Secretary shall consider such other economic and employment data that is otherwise available for purposes

of determining the employment data of such State."; and

(B) by adding at the end the following:

"(g) RULES FOR THE 2022 ALLOCATION.—With respect to the 2022 allocation:

"(1) TRANSFER OF ALLOCATION.—The Secretary shall transfer the full amount of each allocation to a State in a single transfer and shall complete such transfer before September 30, 2022.

"(2) USE OF TRANSFERRED FUNDS.—States may use allocations of amounts appropriated for fiscal year 2022 to carry out the Program only—

"(A) for making Federal contributions to, or for the account of, an approved State program, for the purposes of, as determined by the Secretary of the Treasury—

"(i) maintaining the economic competitiveness of the United States;

"(ii) maintaining a strong manufacturing base in the United States, including promoting advanced manufacturing technology and innovative technology;

"(iii) increasing the supply and innovation of factory-built housing for affordability, accessibility, efficiency, and resilience; or

"(iv) helping the United States transition to clean energy or clean manufacturing processes to combat climate change or to invest in innovation for climate change adapted production processes;

"(B) as collateral for a qualifying loan or swap funding facility, for the purposes described under subparagraph (A); and

"(C) for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of such State's allocation.

"(3) SPECIAL PERMISSION FOR CERTAIN MUNICIPALITIES.—Section 3004(d) shall apply to the 2022 allocation to the same extent as such provision applies to an allocation made under subsection (d), except that—

"(A) paragraph (1) of section 3004(d) shall be applied by substituting '6 months' for '9 months'; and

"(B) paragraph (2) of section 3004(d) shall be applied by substituting '9 months' for '12 months'."; and

(2) in section 3009(c), by striking "7-year period" and inserting "10-year period".

(b) APPROPRIATION.—In addition to amounts otherwise available, there is hereby appropriated to the Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, to carry out the amendments made by subsection (a).

(c) RULE OF APPLICATION.—The amendments made by this section shall apply with respect to funds appropriated on the date of enactment of this section.

TITLE V—COMMITTEE ON HOMELAND SECURITY

SEC. 50001. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $50,000,000 to the Cybersecurity and Infrastructure Security Agency for support of the Multi-State Information Sharing and Analysis Center;

(2) $25,000,000 to the Cybersecurity and Infrastructure Security Agency for operating a cyber range;

(3) $25,000,000 to the Cybersecurity and Infrastructure Security Agency for the execution of a national multi-factor authentication campaign;

(4) $400,000,000 to the Cybersecurity and Infrastructure Security Agency for the implementation of Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the cybersecurity of the United States), including the implementation of multi-factor authentication, endpoint detection and response, improved logging, and securing cloud systems;

(5) $50,000,000 to the Cybersecurity and Infrastructure Security Agency for expansion and operation of the Crossfeed program;

(6) $75,000,000 to the Cybersecurity and Infrastructure Security Agency for expansion and operation of the CyberSentry program;

(7) $10,000,000 to the Cybersecurity and Infrastructure Security Agency for performing activities in support of the development of the continuity of the economy plan required under section 9603(a) of title XCVI of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 6 U.S.C. 322);

(8) $20,000,000 to the Cybersecurity and Infrastructure Security Agency for expanding programs working with international partners on the protection of critical infrastructure;

(9) $50,000,000 to the Cybersecurity and Infrastructure Agency for researching and developing means to secure operational technology, including industrial control systems, against cybersecurity vulnerabilities;

(10) $100,000,000 to the Cybersecurity and Infrastructure Security Agency for cybersecurity workforce development and education, including providing education, training, and capacity development, including in collaboration with historically Black colleges and universities, other minority-serving institutions, and community colleges, and to the Cybersecurity Education and Training Program, to be used for purposes that include—

(A) cybersecurity training and upskilling veterans;

(B) implementing cybersecurity apprenticeships at the Agency; and

(C) cybersecurity programs for underserved communities, as a focus for activities authorized under section 2217 of the Homeland Security Act of 2002 (6 U.S.C. 665f); and

(11) $60,000,000 to the Cybersecurity and Infrastructure Security Agency for enhancing the cloud architecture, migration advisory services, and cloud threat hunting capabilities of the Agency.

TITLE VI—COMMITTEE ON THE JUDICIARY

Subtitle A—Immigration Provisions

SEC. 60001. LAWFUL PERMANENT RESIDENCE FOR CERTAIN ENTRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS.

"(a) IN GENERAL.—Notwithstanding sections 201, 202, 203, and 245(c), and subject to subsection (c), the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if such alien—

"(1) submits an application for adjustment of status in accordance with procedures established by the Secretary;

"(2) in addition to any administrative processing fee, pays a supplemental fee of $1,500; and

"(3) completes, to the satisfaction of the Secretary—

"(A) security and law enforcement background checks; and

"(B) a medical examination consistent with section 221(d).

"(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien who—

"(1)(A) has been continuously physically present in the United States since January 1, 2021;

"(B) was 18 years of age or younger on the date on which the alien entered the United States and has continuously resided in the United States since such entry; and

"(C) demonstrates—

"(i) a record of honorable service in the Uniformed Services of the United States;

"(ii) attainment of, or completion of not less than 2 years, in good standing, of a program leading to—

"(I) a degree from a United States institution of higher education; or

"(II) a postsecondary credential from an area career and technical education school in the United States;

"(iii) during the 3-year period immediately preceding the date on which the alien submits an application for adjust-

ment of status under this section, a consistent record of earned income in the United States; or

"(iv)(I) enrollment in a program described in clause (ii); and

"(II) current employment or participation in an internship, apprenticeship, or similar training program;

"(2)(A) has been continuously physically present in the United States since January 1, 2021; and

"(B) has demonstrated a consistent record of earned income in the United States in an occupation described in the guidance of the Department of Homeland Security entitled 'Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers' Ability to Work During the COVID–19 Response', issued on August 10, 2021, during the period beginning on January 31, 2020, and ending on August 24, 2021;

"(3)(A) has been continuously physically present in the United States for not less than 3 years; and

"(B)(i) is a national of a foreign state (or a part of a foreign state) (or in the case of an alien having no nationality, is a person who last habitually resided in such state) with a designation under subsection (b) of section 244 on January 1, 2017;

"(ii) notwithstanding paragraphs (1)(A)(iv) and (3)(C) of subsection (c) of section 244, had or was otherwise eligible for temporary protected status under section 244 on that date; and

"(iii) has not engaged in conduct since that date that would render the alien ineligible for temporary protected status under section 244(c)(2); or

"(4)(A) has been continuously physically present in the United States for not less than 3 years; and

"(B)(i) was eligible for deferred enforced departure as of January 20, 2021; and

"(ii) has not engaged in conduct since that date that would render the alien ineligible for deferred enforced departure.

"(c) GROUNDS OF INELIGIBILITY.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), an alien seeking adjustment of status under this section shall demonstrate that the alien—

"(A) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);

"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

"(C) has not been convicted of—

"(i) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or

"(ii) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the

3 offenses and imprisoned for an aggregate of 90 days or more; and

"(D) has registered under the Military Selective Service Act (50 U.S.C. 3801 et seq.), if the alien is subject to registration under that Act.

"(2) WAIVER.—With respect to any benefit under this section, the Secretary of Homeland Security may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a)—

"(A) for humanitarian purposes or family unity; or

"(B) if a waiver is otherwise in the public interest.

"(3) TREATMENT OF EXPUNGED CONVICTIONS.—For purposes of paragraph (1), the Secretary—

"(A) may not automatically treat an expunged conviction as a conviction; and

"(B) shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the underlying offense to determine whether, under the circumstances, the alien should be eligible for adjustment of status.

"(d) LIMITATION ON REMOVAL.—

"(1) IN GENERAL.—With respect to an alien who is in removal proceedings or subject to a final order of removal or an order of voluntary departure, the Secretary of Homeland Security shall provide the alien with a reasonable opportunity to apply for relief under this section if the alien—

"(A) requests an opportunity to so apply; or

"(B) appears to be prima facie eligible for such relief.

"(2) STAY OF REMOVAL FOR CERTAIN CHILDREN.—The Secretary of Homeland Security shall stay the removal of an alien who—

"(A) meets the requirements of subparagraphs (A) and (B) of subsection (b)(1);

"(B) subject to paragraphs (2) and (3) of subsection (c), is not subject to a ground of ineligibility under paragraph (1) of such subsection; and

"(C) is enrolled in—

"(i) an early childhood education program;

"(ii) an elementary school;

"(iii) a secondary school; or

"(iv) an education program assisting students in obtaining a high school diploma or its equivalent.

"(e) EFFECTIVE DATE.—The section shall take effect on the earlier of—

"(1) the date that is 180 days after the date of the enactment of this section; or

"(2) May 1, 2022.".

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to 245A the following:

"Sec. 245B. Adjustment of status of certain entrants.".

SEC. 60002. RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.

(a) RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.—

(1) ENSURING FUTURE USE OF ALL IMMIGRANT VISAS.—Section 201(c)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(1)(B)(ii)) is amended to read as follows:

"(ii) In no case shall the number computed under subparagraph (A) be less than the sum of—

"(I) 226,000; and

"(II) the number computed under paragraph (3).".

(2) RECAPTURING UNUSED VISAS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(g) RECAPTURING UNUSED VISAS.—

"(1) FAMILY-SPONSORED VISAS.—

"(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of family-sponsored immigrant visas that may be issued under section 203(a) shall be increased by the number computed under subparagraph (B).

"(B) UNUSED VISAS.—The number computed under this subparagraph is the difference, if any, between—

"(i) the difference, if any, between—

"(I) the number of visas that were originally made available to family-sponsored immigrants under section 201(c)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(c)(3); and

"(II) the number of visas described in subclause (I) that were issued under section 203(a), or, in accordance with section 201(d)(2)(C), under section 203(b); and

"(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(a) after fiscal year 2021.

"(2) EMPLOYMENT-BASED VISAS.—

"(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 202 or 203, beginning in fiscal year 2022, the number of employment-based immigrant visas that may be issued under section 203(b) shall be increased by the number computed under subparagraph (B).

"(B) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

"(i) the difference, if any, between—

"(I) the number of visas that were originally made available to employment-based immigrants under section 201(d)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(d)(2); and

"(II) the number of visas described in subclause (I) that were issued under section 203(b), or, in ac-

cordance with section 201(c)(3)(C), under section 203(a); and

"(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(b) after fiscal year 2021.

"(3) DIVERSITY VISAS.—Notwithstanding section 204(a)(1)(I)(ii)(II), an immigrant visa for an alien selected in accordance with section 203(e)(2) in fiscal year 2017, 2018, 2019, 2020, or 2021 shall remain available to such alien (and the spouse and children of such alien) if—

"(A) the alien was refused a visa, prevented from seeking admission, or denied admission to the United States solely because of Executive Order 13769, Executive Order 13780, Presidential Proclamation 9645, or Presidential Proclamation 9983; or

"(B) because of restrictions or limitations on visa processing, visa issuance, travel, or other effects associated with the COVID–19 public health emergency—

"(i) the alien was unable to receive a visa interview despite submitting an Online Immigrant Visa and Alien Registration Application (Form DS–260) to the Secretary of State; or

"(ii) the alien was unable to seek admission or was denied admission to the United States despite being approved for a visa under section 203(c).".

SEC. 60003. ADJUSTMENT OF STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) VISA AVAILABILITY.—

"(1) IN GENERAL.—Notwithstanding section (a)(3), the Secretary of Homeland Security may accept for filing, an application for adjustment of status from an alien (and the spouse and children of such alien) if such alien—

"(A) is the beneficiary of an approved petition under section 204(a)(1);

"(B) pays a supplemental fee of $1,500, plus $250 for each derivative beneficiary; and

"(C) is otherwise eligible for such adjustment.

"(2) EXEMPTION.—The Secretary of State shall exempt an alien (and the spouse and children of such alien) from the numerical limitations described in sections 201, 202, and 203 and the Secretary of Homeland Security may adjust the status of such alien (and the spouse and children of such alien) to lawful permanent resident if such alien submits or has submitted an application for adjustment of status and—

"(A) such alien—

"(i) is the beneficiary of an approved petition under subparagraph (A)(i) or (B)(i)(I) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and

"(ii) pays a supplemental fee of $2,500;

"(B) such alien—

"(i) is the beneficiary of an approved petition under subparagraph (E) or (F) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and

"(ii) pays a supplemental fee of $5,000; or

"(C) such alien—

"(i) is the beneficiary of an approved petition under subparagraph (H) of section 204(a)(1) that bears a priority date that is more than 2 years before the date the alien requests a waiver of the numerical limitations; and

"(ii) pays a supplemental fee of $50,000.

"(3) EFFECTIVE DATE.—

"(A) IN GENERAL.—The provisions of this subsection—

"(i) shall take effect on the earlier of the date that is—

"(I) 180 days after the date of the enactment of this subsection; or

"(II) May 1, 2022; and

"(ii) except as provided in subparagraph (B), shall cease to have effect on September 30, 2031.

"(B) CONTINUATION.—Paragraph (2) shall continue in effect with respect to an alien who requested a waiver of the numerical limitations and paid the requisite fee prior to the date described in subparagraph (A)(ii), until the Secretary of Homeland Security renders a final administrative decision on such application.".

SEC. 60004. ADDITIONAL SUPPLEMENTAL FEES.

(a) TREASURY.—The supplemental fees described in subsection (b) of this section, and in sections 245B(a)(2) and 245(n) of the Immigration and Nationality Act, as added by this subtitle, shall be deposited in the general fund of the Treasury of the United States.

(b) SUPPLEMENTAL PETITION FEE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(i), by adding at the end the following: "A petition for classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) shall be accompanied by a supplemental fee in the amount of $100.";

(2) in subparagraph (B)(i)(I), by adding at the end the following: "Such petition shall be accompanied by a supplemental fee in the amount of $100.";

(3) in subparagraph (E), by adding at the end the following: "Such petition shall be accompanied by a supplemental fee in the amount of $800.";

(4) in subparagraph (F), by adding at the end the following: "Such petition shall be accompanied by a supplemental fee in the amount of $800."; and

(5) in subparagraph (H), by adding at the end the following: "Such petition shall be accompanied by a supplemental fee in the amount of $15,000.".

SEC. 60005. U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

In addition to amounts otherwise available, there is appropriated to U.S. Citizenship and Immigration Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,800,000,000, to remain available until expended, for the purpose of increasing the capacity of U.S. Citizenship and Immigration Services to efficiently adjudicate applications described in sections 245B and 245(n) of the Immigration and Nationality Act, as added by sections 60001 and 60003 of this Act, respectively, and to reduce case processing backlogs.

Subtitle B—Community Violence Prevention

SEC. 61001. FUNDING FOR COMMUNITY-BASED VIOLENCE INTERVENTION INITIATIVES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until September 30, 2031, for the purposes described in subsection (b).

(b) USE OF FUNDING.—The Attorney General, acting through the Assistant Attorney General of the Office of Justice Programs, the Director of the Office of Community Oriented Policing Services, and the Director of the Office on Violence Against Women, shall use amounts appropriated by subsection (a)—

(1) to award competitive grants or contracts to units of local government, States, Indian Tribes, nonprofit community-based organizations, victim services providers, or other entities as determined by the Attorney General, to support evidence-informed intervention strategies to reduce community violence;

(2) to support training, technical assistance, research, evaluation, and data collection on strategies to effectively reduce community violence and ensure public safety; and

(3) to support research, evaluation, and data collection on the differing impact of community violence on demographic categories.

(c) EXPENDITURE REQUIREMENT.—All expenditures made pursuant to subsection (a) shall be made on or before September 30, 2031.

TITLE VII—COMMITTEE ON NATURAL RESOURCES

Subtitle A—Bureau of Indian Affairs and Indian Health Service

SEC. 70101. TRIBAL CONSULTATION.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to

remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the purposes of conducting consultation with Tribal Governments.

SEC. 70102. BUREAU OF INDIAN AFFAIRS.

(a) BIA ROAD MAINTENANCE.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the "Snyder Act") for Bureau of Indian Affairs road maintenance and to address the deferred maintenance backlog, of which no more than 2 percent shall be used for administrative costs to carry out this subsection.

(b) BIA PUBLIC SAFETY.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the "Snyder Act") for Bureau of Indian Affairs Public Safety and Justice, of which no more than 2 percent shall be used for administrative costs to carry out this subsection.

(c) BIA CLIMATE RESILIENCE.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the "Snyder Act") for Tribal climate resilience and adaptation programs, of which no more than 2 percent shall be used for administrative costs to carry out this subsection.

(d) TRIBAL HOUSING.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the "Snyder Act") to improve Tribal housing, of which no more than 2 percent shall be used for administrative costs to carry out this subsection.

(e) TRIBAL ENERGY.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of November 2, 1921 (25 U.S.C. 13; commonly known as the "Snyder Act") for Tribal energy programs, of which no more than 2 percent shall be used for administrative costs to carry out this subsection.

(f) SMALL AND NEEDY PROGRAM.—Funds made available under this section shall be excluded from the calculation of funds received

by those Tribal Governments that participate in the "Small and Needy" program.

(g) ONE-TIME BASIS FUNDS.—Funds made available under this section to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301) shall be available on a one-time basis. Such nonrecurring funds shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and such funds shall only be used for the purposes identified in this section.

SEC. 70103. INDIAN HEALTH SERVICE.

(a) IHS INFORMATION TECHNOLOGY.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $140,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for Indian Health Service electronic records (25 U.S.C. 1660h), telehealth, system modernization, and information technology infrastructure.

(b) URBAN INDIAN HEALTH.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $42,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for the Urban Indian Health program for renovations, construction, expansion of facilities, including leased facilities, which shall be in addition to other amounts made available for Urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act 25 U.S.C. 1603)) under this subsection.

(c) IHS FACILITIES MAINTENANCE.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $610,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for maintenance and improvement of Indian Health Service and Tribal facilities.

(d) GREEN INFRASTRUCTURE.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674),

the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for sustainability features for existing facilities.

(e) INPATIENT AND COMMUNITY HEALTH FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for Inpatient and Community Health Facilities Design, Construction, in accordance with 25 U.S.C. 1665h.

(f) MEDICAL EQUIPMENT.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for maintaining, upgrading, and replacing medical equipment for IHS and Tribal facilities.

(g) SMALL AMBULATORY CONSTRUCTION.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for the small ambulatory construction program.

(h) PERSONNEL QUARTERS CONSTRUCTION.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $278,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for personnel quarters construction.

(i) IHS PRIORITY HEALTH CARE FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for projects identified through the health care facility priority system established and maintained

pursuant to section 301(c) of the Indian Health Care Improvement Act (25 U.S.C. 1631(c)).

(j) FACILITIES SUPPORT.—In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $170,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for environmental health and facilities support activities of the Indian Health Service.

(k) NONRECURRING FUNDS.—Funds made available under this section to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be available on a one-time basis. Such nonrecurring funds shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and such funds shall only be used for the purposes identified in this section.

Subtitle B—Subcommittee on National Parks, Forests, and Public Lands

SEC. 70201. OAK FLAT WITHDRAWAL.

(a) DEFINITIONS.—In this section:

(1) DISPOSAL.—The term "disposal" means that the lands identified are not available under the proceedings outlined under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).

(2) ENTRY.—The term "entry" has the meaning as it is used under section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)), in its application to lands under the jurisdiction of the Secretary.

(3) LOCATION.—The term "location" has the meaning as it is used under section 2320 of the Revised Statutes (30 U.S.C. 23), in its application to lands under the jurisdiction of the Secretary;

(4) OAK FLAT WITHDRAWAL AREA.—the term "Oak Flat" means the approximately 2,422 acres of Forest System land in the Tonto National Forest in southeastern Arizona commonly known as "Oak Flat" and generally depicted as "Oak Flat Withdrawal Area" on the map titled "Oak Flat Withdrawal" and dated June 15, 2021.

(5) PATENT.—The term "patent" has the meaning as it is used under section 2325 of the Revised Statutes (30 U.S.C. 29), in its application to lands under the jurisdiction of the Secretary.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) REPEAL.—Section 3003 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (16 U.S.C. 539p) is repealed.

(c) WITHDRAWAL.—Subject to valid rights in existence on the date of the enactment of this section, Oak Flat is withdrawn from all forms of disposal, location, entry, and patent.

SEC. 70202. CIVILIAN CLIMATE CORPS.

(a) NATIONAL PARK SERVICE CIVILIAN CLIMATE CORPS.—

(1) DEFINITIONS.—With regard to this subsection:

(A) CONSERVATION PROJECT.—The term "conservation project" means a project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

(B) CORPS PROGRAM.—The term "corps program" means a program established by a Federal, State, Tribal, or local government, or nonprofit organization that performs conservation projects on Public Lands.

(C) PUBLIC LANDS.—The term "Public Lands" means lands administered by the National Park Service.

(2) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,700,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out education and job training projects and conservation projects on Public Lands, including through the use of direct expenditure, contracts, grants, and cooperative agreements with corps programs.

(3) ADMINISTRATIVE EXPENSES.—Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this section.

(b) BUREAU OF LAND MANAGEMENT CIVILIAN CLIMATE CORPS.—

(1) DEFINITIONS.—With regard to this subsection:

(A) CONSERVATION PROJECT.—The term "conservation project" means a project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

(B) CORPS PROGRAM.—The term "corps program" means a program established by a Federal, State, Tribal, or local government, or nonprofit organization that performs conservation projects on Public Lands.

(C) PUBLIC LANDS.—The term "Public Lands" means lands administered by the Bureau of Land Management.

(2) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out education and job training projects and conservation projects on Public Lands, including through the use of direct expenditure, contracts, grants, and cooperative agreements with corps programs.

(3) ADMINISTRATIVE EXPENSES.—Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this section.

(c) UNITED STATES FISH AND WILDLIFE SERVICE CIVILIAN CLIMATE CORPS.—

(1) DEFINITIONS.—With regard to this subsection:

(A) CONSERVATION PROJECT.—The term "conservation project" means a project for the conservation, restoration,

construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

(B) CORPS PROGRAM.—The term "corps program" means a program established by a Federal, State, Tribal, or local government, or nonprofit organization that performs conservation projects on Public Lands.

(C) PUBLIC LANDS.—The term "Public Lands" means lands administered by the United States Fish and Wildlife Service.

(2) IN GENERAL.—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, $400,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out education and job training projects and conservation projects on Public Lands, including through the use of direct expenditure, contracts, grants, and cooperative agreements with corps programs.

(3) ADMINISTRATIVE EXPENSES.—Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this section.

(d) TRIBAL CIVILIAN CLIMATE CORPS.—

(1) DEFINITIONS.—With regard to this subsection:

(A) CONSERVATION PROJECT.—The term "conservation project" means any project for the conservation, restoration, construction, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

(B) CORPS PROGRAM.—The term "corps program" means a program established by a Federal, State, Tribal, or local government, or nonprofit organization that performs appropriate conservation projects on Public Lands.

(C) INDIAN LAND.—The term "Indian land" means land of an Indian Tribe or an Indian individual that is—

(I) held in trust by the United States; or

(ii) subject to a restriction against alienation imposed by the United States.

(D) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 101 of the Federally Recognized Indian Tribe List Act (25 U.S.C. 5130).

(E) NATIVE HAWAIIAN.—The term "Native Hawaiian" means any individual who is—

(I) a citizen of the United States; and

(ii) a descendant of the aboriginal people who, before 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(I) genealogical records;

(II) Kupuna (elders) or Kamaaina (long-term community residents) verification; or

(III) certified birth records.

(F) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means a private nonprofit organization that—

(I) serves the interests of Native Hawaiians;

(ii) has Native Hawaiians in substantive and policy-making positions within the organization; and

(iii) is recognized by the Governor of Hawaii for the purposes of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(2) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out education and job training projects and conservation projects, including through the use of direct expenditure, contracts, grants, and cooperative agreements with corps programs, and including projects on Indian lands, pursuant to an agreement between an Indian Tribe or Native Hawaiian organization and a corps program for the benefit of an Indian Tribe or Native Hawaiians. None of the funds provided by this subsection shall be subject to cost-share requirements.

(3) ADMINISTRATIVE EXPENSES.—Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70203. PRESIDIO TRUST.

(a) PRESIDIO TRUST DEFINED.—With regard to this section, the term "Presidio Trust" means the entity established under section 103(a) of title I of division I of Public Law 104–333 and under the requirements placed upon that entity by section 104(a) of title I of division I of Public Law 104–333.

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Presidio Trust for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, for carrying out projects identified by the Presidio Trust in accordance with the purposes identified under the first section of Public Law 92–589 (16 U.S.C. 460bb).

SEC. 70204. GRAND CANYON.

(a) DEFINITION.—In this section:

(1) DISPOSAL.—The term "disposal" means that the lands identified are not available under the proceedings outlined under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).

(2) ENTRY.—The term "entry" has the meaning as it is used under section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)), in its application to lands under the jurisdiction of the Secretary.

(3) GRAND CANYON PROTECTION AREA.—The term "Grand Canyon Protection Area" means the approximately 1,054,923 acres of land depicted as "Federal Mineral Estate to be Withdrawn" on the map entitled "Grand Canyon Protection Area" and dated August 23, 2021.

(4) LOCATION.—The term "location" has the meaning as it is used under section 2320 of the Revised Statutes (30 U.S.C. 23), in its application to lands under the jurisdiction of the Secretary.

(5) PATENT.—The term "patent" has the meaning as it is used under section 2325 of the Revised Statutes (30 U.S.C. 29), in its application to lands under the jurisdiction of the Secretary.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) WITHDRAWAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2026, to carry out, subject to valid rights in existence on the date of enactment of this section, the withdrawal of the Grand Canyon Protection Area from all forms of disposal, location, entry, and patent.

SEC. 70205. WILDFIRE.

(a) PROTECTING COMMUNITIES AND ECOSYSTEMS FROM WILDFIRE.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to reduce wildfire risk on landscapes and communities through fire preparedness, fire science and research (including improved fireshed mapping and management), emergency rehabilitation, rural fire assistance, noncommercial fuels management activities in the wildland-urban interface, the renovation or construction of fire facilities, and for expenses necessary to support firefighter workforce reforms. None of the funds provided by this subsection shall be used for salvage logging.

(b) TRIBAL WILDFIRE PREVENTION.—In addition to amounts otherwise available, there is appropriated to 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, 2031, except that no amounts may be expended after September 30, 2031, For carrying out the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) for renewable and manageable resources, communications, economic and cultural benefits, improved fireshed mapping and management, and to protect Tribal forest lands from wildfire.

(c) FOREST TECHNOLOGY IMPROVEMENTS.—In addition to amounts otherwise available, there is appropriated to the Office of Wildland Fire Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out a research, development, and testing pilot program to—

(1) assess new technologies, including unmanned aircraft system, geospatial, or remote sensing technologies, across all reforestation activities;

(2) accelerate the deployment and integration of such technologies into the operations of the Secretary of the Interior; and

(3) collaborate and cooperate with State, Tribal, and private geospatial information system organizations with respect to such technologies.

SEC. 70206. URBAN PARKS.

In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to carry out direct, competitive grants to localities to create or significantly enhance access to parks or outdoor recreation facilities in urban areas, in accordance with the authorities outlined under section 200305(e)(2)(A) or 200305(e)(3) of title 54, United States Code, and subject to limitations outlined under section 200305(f)(3) of such title, of which no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70207. EVERY KID OUTDOORS.

(a) DEFINITIONS.—With respect to this section:

(1) FEDERAL LAND AND WATERS.—The term "Federal land and waters" means any Federal land or body of water under the jurisdiction of the Director to which the public has access.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(3) STUDENT OR STUDENTS.—The term "student" or "students" means any fourth, fifth, or sixth grader or homeschooled learner 10 years of age residing in the United States.

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the carrying out of the issuance and administration of passes, effective during the period beginning on September 1 and ending on August 31 of the following year, at the request of a student, which allows access, when the student to which the pass was issued is present, to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and three accompanying adults, and for carrying out the purposes outlined under section 9001(b)(3)(D) of Public Law 116–9.

SEC. 70208. NATIONAL PARK SERVICE CLIMATE RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $115,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the protection, restoration, and resiliency of public lands and resources in accordance with the purposes outlined in section 100101(a) of title 54, United States Code. None of the funds provided by this section shall be subject to cost-sharing requirements.

SEC. 70209. BUREAU OF LAND MANAGEMENT CLIMATE RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $110,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the protection, restoration, and resiliency of public lands and resources in accordance with the purposes outlined in section 102(a)(8) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(8). None of the funds provided by this section shall be subject to cost-sharing requirements.

SEC. 70210. HISTORIC PRESERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Director of the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to carry out preservation or historic preservation as defined by section 300315 of title 54, United States Code.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70211. THOMPSON DIVIDE.

(a) THOMPSON DIVIDE WITHDRAWAL.—

(1) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA DEFINED.—For the purposes of this subsection, the term "Thompson Divide Withdrawal and Protection area" means the Federal land and minerals generally depicted as the "Thompson Divide Withdrawal and Protection Area" on the map entitled "Greater Thompson Divide Area Map" and dated June 13, 2019.

(2) WITHDRAWAL.—Subject to valid rights in existence on the date of the enactment of this section, the Thompson Divide Withdrawal and Protection Area is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) THOMPSON DIVIDE LEASE PAYMENTS.—

(1) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA DEFINED.—With regard to this subsection, the term "Thompson Divide Withdrawal and Protection Area" means the Federal land and minerals generally depicted as the "Thompson Divide Withdrawal and Protection Area" on the map entitled "Greater Thompson Divide Area Map" and dated June 13, 2019.

(2) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000 to remain available until September 30, 2026, to acquire, from willing sellers, the rights to oil or gas leases within the Thompson Divide Withdrawal and

Protection Area, provided such leases are in effect on the date of enactment of this subsection. All rights acquired under this subsection shall be permanently cancelled and unavailable for reissue.

(3) ADMINISTRATIVE EXPENSES.—Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this subsection.

(c) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—

(1) PILOT PROGRAM AREA DEFINED.—For the purposes of this subsection, the term "pilot program area" means the areas identified as "Coal Mine Methane Capture Areas" on the map entitled "Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area" and dated June 17, 2019.

(2) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000 to remain available until September 30, 2026, for carrying out a pilot program in the pilot program area to inventory and, subject to valid existing rights, to lease, capture, mitigate or sequester methane emissions that would leak or be vented into the atmosphere from an active, inactive, or abandoned underground coal mine.

SEC. 70212. CHACO CANYON.

(a) DEFINITIONS.—For the purposes of this section:

(1) CHACO CULTURAL HERITAGE WITHDRAWAL AREA.—The term "Chaco Cultural Heritage Withdrawal Area" means the Federal land generally depicted as the "Chaco Cultural Heritage Withdrawal Area" on the map entitled "Chaco Cultural Heritage Withdrawal Area" and dated April 2, 2019.

(2) NON-PRODUCING LEASES.—The term "non-producing leases" means any oil and gas lease on Federal land within the Chaco Cultural Heritage Withdrawal Area—

(A) on which drilling operations have not been commenced before the end of the primary term of the applicable lease;

(B) that is not producing oil and gas in paying quantities; and,

(C) that is not subject to a valid cooperative or unit plan of development.

(b) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this section, the Chaco Cultural Heritage Withdrawal Area is withdrawn from—

(1) entry and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(c) NON-PRODUCING LEASES.—A non-producing lease shall terminate pursuant to section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)) and subpart 3108 of title 43, Code of Federal Regulations, and may not be extended.

Subtitle C—Drought Response and Preparedness

SEC. 70301. BUREAU OF RECLAMATION WATER SETTLEMENT FUNDING.

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended as follows:

(1) In subsection (b), by adding at the end the following:

"(3) ADDITIONAL DEPOSITS.—In addition to amounts otherwise available, there is appropriated—

"(A) for fiscal year 2032 and each fiscal year thereafter out of any money in the Treasury not otherwise appropriated, $370,000,000, for deposit in the Fund, to remain available until expended; and

"(B) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, for deposit in the Fund, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031.".

(2) In subsection (c)(1)—

(A) in subparagraph (A), by striking "for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed $120,000,000," and inserting "for fiscal year 2022 and each fiscal year thereafter, the Secretary may expend from the Fund an amount not to exceed $370,000,000";

(B) in subparagraph (B), by striking "more than $120,000,000, for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000" and inserting "more than $370,000,000 for any fiscal year if such amounts are available in the Fund, for the fiscal year in which expenditures are made pursuant to subparagraph (D) and paragraphs (2) and (3)"; and

(C) by adding at the end the following:

"(C) The Secretary shall expend all amounts in the Fund available from deposits made under subsection (b)(1) and subsection (b)(3)(B) not later than the end of fiscal year 2031.

"(D) If, in the judgment of the Secretary on an annual basis, the Secretary is unlikely to expend the amounts as required under subparagraph (C) because expenditures cannot be made for activities authorized under paragraph (2), the Secretary shall expend from the Fund on an annual basis any projected unspent amounts by not later than the end of fiscal year 2031 on grants to disadvantaged communities (identified according to criteria adopted by the Secretary) or on grants to Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), in a manner as determined by the Secretary, 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 potable water supplies to communities or households that do not have re-

liable access to potable water 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).".

(3) In subsection (c), by amending paragraph (2) to read as follows:

"(2) AUTHORITY.—

"(A) NON-TRIBAL SETTLEMENT EXPENDITURES.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States and a party that is not an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

"(i) water supply infrastructure; or

"(ii) a project—

"(I) to rehabilitate a water delivery system to conserve water; or

"(II) to restore habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on March 30, 2009.

"(B) TRIBAL EXPENDITURES.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, claims concerning Indian water resources, if the settlement agreement or implementing legislation authorizes the Secretary to provide financial assistance for, or plan, design, and construct—

"(i) water supply infrastructure; or

"(ii) a project—

"(I) to rehabilitate a water delivery system to conserve water; or

"(II) to restore habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project.".

(5) In subsection (c)(3)(C), by striking "for any authorized use" and inserting "for any use authorized under paragraph (2) or paragraph (1)(D)".

(6) By striking subsection (f).

SEC. 70302. EMERGENCY DROUGHT RELIEF.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation 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, except that no amounts shall be expended after September 30, 2026, for near-term drought relief actions carried out under—

(1) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102–250);

(2) the Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106–498);

(3) section 201 of division D of Public Law 108–7; or

(4) section 1109 of division FF of Public Law 116–260.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent may be used for administrative costs to carry out this section.

SEC. 70303. EMERGENCY DROUGHT RELIEF FOR TRIBES.

In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) 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 for the loss of Tribal trust resources.

SEC. 70304. SALTON SEA PROJECTS.

(a) APPROPRIATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to provide grants and enter into contracts and cooperative agreements to carry out projects located in the area of the Salton Sea in Southern California to improve air quality, habitat, and water quality, in partnership with—

(A) State, Tribal, and local governments;

(B) water districts;

(C) joint powers authorities;

(D) nonprofit organizations; and

(E) institutions of higher education.

(2) COST SHARE.—The non-Federal share of the cost of a project under this subsection shall be 50 percent of the cost of the project.

(b) INCLUDED ACTIVITIES.—The projects described in subsection (a) may include—

(1) construction, operation, maintenance, permitting, and design activities required for such projects; and

(2) dust suppression projects.

(c) FUNDING ELIGIBILITY.—To be eligible to receive funding, non-Tribal grantees must demonstrate compliance with prevailing wage requirements.

(d) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70305. WATER RESOURCES RESEARCH AND TECHNOLOGY INSTITUTES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Geological Survey for fis-

cal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70306. FEDERAL PRIORITY STREAMGAGES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for making operational streamgages that are identified by the Secretary of the Interior as Federal priority streamgages.

(b) COLLABORATION WITH NON-FEDERAL PARTNERS.—The United States Geological Survey shall prioritize the expenditure of funds available under subsection (a) in a manner that seeks to leverage the use of non-Federal funds made available through streamgage funding agreements with States and local agencies to improve environmental quality and water supply reliability.

(c) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70307. SNOW WATER SUPPLY FORECASTING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out section 1111 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70308. WATER TECHNOLOGY INVESTMENT.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out section 1112 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70309. AQUATIC ECOSYSTEM RESTORATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2031, except

that no amounts may be expended before fiscal year 2027 or after September 30, 2031, for carrying out section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70310. LARGE SCALE WATER REUSE.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State, Indian Tribe, municipality, irrigation district, water district, wastewater district, or other organization with water or power delivery authority;

(B) a State, regional, or local authority, the members of which include 1 or more organizations with water or power delivery authority; or

(C) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) through (B).

(2) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) RECLAMATION STATE.—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 1093; 43 U.S.C. 391).

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, except that no amounts may be expended before fiscal year 2027 or after September 30, 2031, to provide nonreimbursable grants on a competitive basis to eligible entities that shall not exceed 25 percent of the total cost of an eligible project unless the project advances at least a proportionate share of nonreimbursable benefits authorized under the reclamation laws (including fish and wildlife benefits provided through measurable reductions in water diversions from imperiled ecosystems) up to a maximum 75 percent of the total costs of an eligible project, to carry out the planning, design, and construction of projects to reclaim and reuse municipal, industrial, domestic, or agricultural wastewater or impaired ground or surface waters that have a total estimated cost of more than $500,000,000 and that provide substantial water supply and other benefits to drought stricken regions within the Reclamation States for the purposes of—

(1) helping to advance water management plans across a multi-state area, such as drought contingency plans in the Colorado River Basin;

(2) providing multiple benefits, including water supply reliability benefits for drought-stricken States, Tribes, and communities, fish and wildlife benefits, and water quality improvements; and

(3) reducing impacts on environmental resources from water projects owned or operated by Federal and State agencies, in-

cluding through measurable reductions in water diversions from imperiled ecosystems.

(c) TOTAL DOLLAR CAP.—The Bureau of Reclamation shall not impose a total dollar cap on Federal contributions that applies to all individual projects funded under this section.

(d) FUNDING ELIGIBILITY.—An eligible project shall not be considered ineligible for assistance under this section because the project has received assistance authorized under title XVI of Public Law 102–575 or section 4009 of Public Law 114–322.

(e) TREATMENT OF CONVEYANCE.—The Bureau of Reclamation shall consider the planning, design, and construction of an eligible project's conveyance system to be eligible for grant funding under this section.

SEC. 70311. CONVEYANCE REPAIRS AND BUILD BACK BETTER FUNDS FOR SOLAR CANAL INTEGRATION.

(a) CONVEYANCE REPAIRS.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to provide nonreimbursable grants in a manner as determined by the Secretary of the Interior (in this section referred to as the "Secretary") on a competitive basis to eligible entities that in aggregate shall not exceed 33 percent of the total cost of an eligible project to carry out the planning, design, and construction of projects to make major, non-recurring maintenance repairs to water conveyance facilities that do not enlarge the carrying capacity of a conveyance facility beyond the capacity as previously constructed for conveyance facilities in need of emergency capacity restoration due to subsidence and experiencing exceptional drought for the purposes of increasing drought resiliency, primarily through groundwater recharge.

(b) BUILD BACK BETTER FUNDS FOR SOLAR CANAL INTEGRATION.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the design, study, and implementation of projects (including pilot and demonstration projects) to cover conveyance facilities receiving grants under subparagraph (a) with solar panels to generate renewable energy in a manner as determined by the Secretary or for other solar projects associated with Bureau of Reclamation projects that increase water efficiency and assist in implementation of clean energy goals.

SEC. 70312. RIO GRANDE PUEBLOS IRRIGATION INFRASTRUCTURE GRANTS.

In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out section 9106(d) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

Subtitle D—Efficient and Effective NEPA Implementation

SEC. 70401. EFFICIENT AND EFFECTIVE NEPA IMPLEMENTATION.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to provide for more efficient and more effective environmental reviews under the National Environmental Policy Act of 1969 through the hiring and training of additional personnel, the development of programmatic assessments or templates, the procurement of technical or scientific services, the development of data or technology systems, stakeholder and community engagement, and the purchase of new equipment.

Subtitle E—National Oceanic and Atmospheric Administration

SEC. 70501. COASTAL AND GREAT LAKES RESTORATION AND TECHNICAL ASSISTANCE.

(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, $9,500,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, through direct expenditure, contracts, grants, and cooperative agreements to provide funding and technical assistance for the purposes of restoring a marine, estuarine, coastal, or Great Lake habitat; or providing adaptation to climate change, including by protecting, restoring, or establishing ecological features that protects coastal communities from sea-level rise, coastal storms, or flooding; or designing or implementing blue carbon projects. None of the funds provided by this section shall be subject to cost share or matching requirements.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70502. PACIFIC COASTAL SALMON RECOVERY FUND.

(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 funds in the Treasury not otherwise appropriated $400,000,000, to remain available until 2026, for the purposes of climate resilience, habitat protection, and other habitat restoration projects to recover Pacific salmon. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70503. NOAA STOCK ASSESSMENTS.

(a) STOCK ASSESSMENTS.—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, $200,000,000, to remain available until September 30, 2031, except that no amount may be expended after September 30, 2031, for carrying out section 401 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1881) and, section 117 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1386) for fisheries data collections, surveys, and science, management, and ecosystem-based assessments in support of federally managed marine fisheries.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70504. COASTAL HAZARDS AND SEA LEVEL RISE.

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, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603), section 4 of the Digital Coast Act (16 U.S.C. 1467), section 310 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456c), section 303 of the Hydrographic Services Improvement Act of 1988 (33 U.S.C. 892a), and the first section and section 2 of the Act of August 6, 1947 (chapter 504; 33 U.S.C. 883a and 33 U.S.C. 883b), popularly known as the Coast and Geodetic Survey Act of 1947; for the purposes of making upgrades to the Integrated Ocean Observing System; making upgrades to the Shoreline Mapping Program; developing products, services, and coordinated decision-support frameworks with respect to coastal floods, sea level rise, Great Lakes water level, and vertical land motion data and conducting the research and development necessary to support such products and services; producing and maintaining authoritative and timely data, maps, charts, tidal and water level observations and information services for communities to plan for present and future coastal flood risks and to sustain the economic viability of ports and marine transportation system; and providing technical assistance to States, Insular areas, local governments, and end user at-risk communities.

SEC. 70505. BLUE CARBON.

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, $95,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a); and section 309 of the National Marine Sanctuaries Act (16 U.S.C. 1440); for research and exten-

sion activities to characterize, quantify, map, and study blue carbon ecosystems or protection and restoration efforts in blue carbon ecosystems, which include marine and coastal freshwater, brackish, and saltwater-fed ecosystems, such as coastal wetland forest and other tidal or historically tidal wetlands that have the capacity to sequester carbon from the atmosphere for a period of not less than 100 years in the Gulf of Mexico region.

SEC. 70506. COASTAL HAZARDS IN UNITED STATES INSULAR AREAS.

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, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601), section 4 of the Digital Coast Act (16 U.S.C. 1467, and section 303 of the Hydrographic Services Improvement Act (33 U.S.C. 892a) to improve weather data collection and provide science, data, information, and impact-based decision support services to reduce tsunami, hurricane, typhoon, drought, tide, and sea-level rise impacts in Insular Areas.

SEC. 70507. NMFS SHORESIDE 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, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of sections 404 through 408 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881c–1884), to replace, renovate, or maintain aging facilities in need of repair or replacement including piers, fisheries laboratories, and laboratory facilities.

SEC. 70508. NOAA VESSEL RECAPITALIZATION.

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, $300,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for vessel recapitalization needs.

SEC. 70509. CIVILIAN CLIMATE CORPS AT NOAA.

(a) NOAA CIVILIAN CLIMATE CORPS.—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, $120,000,000, to remain available until September 30, 2026, to carry out education and job training projects that conserve, restore, construct, or rehabilitate natural, cultural, historic, archaeological, recreational, or scenic resources through direct expenditure, contracts, grants, and cooperative agreements. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70510. NOAA HATCHERIES.

(a) NOAA HATCHERIES.—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, $250,000,000, to remain available until September 30, 2026, for grants to States and Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), to repair, replace, and upgrade hatchery infrastructure for production of a marine fishery. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) FUNDING ELIGIBILITY.—To be eligible to receive funding under this section, non-Tribal grantees must demonstrate compliance with prevailing wage requirements.

SEC. 70511. ELECTRONIC MONITORING.

(a) ELECTRONIC MONITORING.—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, $75,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the purposes of supporting the continued and timely implementation of electronic monitoring and fishing effort reporting.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70512. WORKING WATERFRONTS.

(a) WORKING WATERFRONTS.—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, $160,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 309 of the Coastal Zone Management Act (16 U.S.C. 1456b) through direct expenditure, contracts, grants, and cooperative agreements for projects that preserve and protect coastal access for water-dependent commercial activities.

(b) FUNDING ELIGIBILITY.—To be eligible to receive funding under this section, the grantee must demonstrate compliance with prevailing wage requirements.

SEC. 70513. MARINE SANCTUARY AND NATIONAL ESTUARINE RESEARCH RESERVE MAINTENANCE BACKLOG.

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, $98,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of the National Marine Sanctuary Act (16 U.S.C. 1431) and the Coastal Zone Management Act (16 U.S.C. 1461) for construction, maintenance, and renovation of

facilities of National Marine Sanctuaries and National Estuarine Research Reserves.

SEC. 70514. SEAFOOD IMPORT MONITORING PROGRAM EXPANSION.

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, $2,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 307 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (16 U.S.C. 1857(1)(Q)), to expand the Seafood Import Monitoring Program to apply to all seafood and seafood products.

Subtitle F—United States Fish and Wildlife Service

SEC. 70601. ENDANGERED SPECIES ACT RECOVERY PLANS.

(a) IN GENERAL.—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, $75,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the development and implementation of recovery plans under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)).

(b) CANDIDATE CONSERVATION.—In addition to the 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, $75,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for developing Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances for candidate and other at-risk species pursuant section 10 of the Endangered Species Act (16 U.S.C. 1539).

SEC. 70602. ENDANGERED SPECIES ACT HABITAT CONSERVATION.

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, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for United States Fish and Wildlife Service responsibilities in the development, review, and permitting of Habitat Conservation Plans under section 10(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(2)) and for State programs under section 6(d) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)).

SEC. 70603. ENDANGERED SPECIES ACT INTERAGENCY CONSULTATIONS.

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, $40,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for

carrying out consultations with Federal agencies that undertake agency actions affecting endangered species and threatened species under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

SEC. 70604. FUNDING FOR ISLAND PLANT CONSERVATION.

(a) IN GENERAL.—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, $25,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the conservation of endangered species and threatened species of plants in the Hawaiian Islands and the Pacific Island Territories of the United States as authorized by section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70605. FUNDING FOR POLLINATOR CONSERVATION.

(a) IN GENERAL.—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, $25,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the conservation of endangered species and threatened species of pollinators in the United States as authorized by section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70606. FUNDING FOR MUSSEL CONSERVATION.

(a) IN GENERAL.—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, $25,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the conservation of endangered species and threatened species of freshwater mussels in the United States as authorized by section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70607. FUNDING FOR DESERT FISH CONSERVATION.

(a) IN GENERAL.—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, $25,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the conservation of endangered species and threatened species of desert fish in the Southwestern United States

as authorized by section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70608. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS CLIMATE-INDUCED WEATHER EVENTS.

(a) IN GENERAL.—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, $100,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the purposes of carrying out the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661), through direct expenditure, contracts, grants, and cooperative agreements, for the purposes of rebuilding and restoring units of the National Wildlife Refuge System, other Federal public assets, and State wildlife management areas including by addressing the threat of invasive species, increasing the resiliency and capacity of habitats and infrastructure to withstand weather events, or reducing the amount of damage caused by those events. None of the funds provided by this section shall be subject to cost-share requirements.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70609. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE FOR WILDLIFE CORRIDOR CONSERVATION.

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, $10,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2026, to carry out the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661) through direct expenditure,, contracts, grants, and cooperative agreements, for mapping wildlife corridors and providing assistance to States and Indian Tribes as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) for the conservation and restoration of wildlife corridors.

SEC. 70610. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE FOR GRASSLAND RESTORATION.

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, $100,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2026, to carry out the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661) through direct expenditure, contracts, grants, and cooperative agreements, for the protection and restoration of grassland habitats.

Subtitle G—Insular Affairs

SEC. 70701. INSULAR AFFAIRS HOSPITAL AND OTHER CRITICAL HEALTH INFRASTRUCTURE FUNDING.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $993,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for hospitals and other critical health infrastructure in the territories. Amounts made available under this section shall be divided among the territories in accordance with needs identified by assessments completed by the Department of the Interior, Office of Insular Affairs, of health care facilities in each territory, but not less than 35 percent shall be provided to Guam, not less than 35 percent shall be provided to the United States Virgin Islands, not less than 20 percent shall be provided to the Commonwealth of the Northern Mariana Islands, and not less than 10 percent shall be provided to American Samoa.

SEC. 70702. OFFICE OF INSULAR AFFAIRS CLIMATE CHANGE TECHNICAL ASSISTANCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2026, to provide technical assistance for climate-change planning, mitigation, adaptation, and resilience to United States-affiliated Insular Areas under the Office of Insular Affairs.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, not more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70703. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2031, except that no amounts may be made available after September 30, 2031, to compensate through the appointment of a Special Master, the municipality of Vieques, and an individual claimant who is or was a resident, the child of a resident, or an immediate heir (as determined by the laws of Puerto Rico) of a deceased claimant who was a resident on the island of Vieques, Puerto Rico, in the period or after the United States Government used the island of Vieques, Puerto Rico, for military readiness.

(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, not more than 2 percent shall be used for administrative costs to carry out this section.

SEC. 70704. DEFINITIONS.

For the purposes of this subtitle:

(1) FREELY ASSOCIATED STATES.—The term "Freely Associated States" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(2) UNITED STATES-AFFILIATED INSULAR AREAS.—The term "United States-affiliated Insular Areas" means the territories and Freely Associated States.

(3) TERRITORIES.—The term "territories" means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.

(4) TERRITORY.—The term "territory" means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands of the United States.

Subtitle H—Energy and Mineral Resources

SEC. 70801. OFFSHORE WIND FOR THE TERRITORIES.

(a) APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT WITH RESPECT TO TERRITORIES OF THE UNITED STATES.—

(1) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—

(A) in subsection (a)—

(i) by striking "The term" and inserting the following:

"(1) The term"

(ii) by inserting after "control" the following: "or lying within the exclusive economic zone of the United States and the outer Continental Shelf adjacent to any territory of the United States"; and

(iii) by adding at the end the following:

"(2) The term 'outer Continental Shelf' does not include any area conveyed by Congress to a territorial government for administration.";

(B) in subsection (p), by striking "and" after the semicolon at the end;

(C) in subsection (q), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(r) The term 'State' means any of the several States and also includes Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.".

(2) EXCLUSIONS.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

"(i) This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.".

(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 33. WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.

"(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—

"(1) CALL FOR INFORMATION AND NOMINATIONS.—The Secretary shall issue a call for information and nominations for proposed wind lease sales for areas determined to be feasible.

"(2) CONDITIONAL WIND LEASE SALES.—For areas lying within the exclusive economic zone of the United States adjacent to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, the Secretary shall conduct not less than one wind lease sale in each such area, so long as:

"(A) The Secretary has concluded that a wind lease sale on the area is feasible.

"(B) The Secretary has determined that there is sufficient interest in leasing the area.

"(C) The Secretary has consulted with other relevant Federal agencies regarding such sale.

"(D) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.".

SEC. 70802. LEASING ON THE OUTER CONTINENTAL SHELF.

(a) LEASING AUTHORIZED.—The Secretary of the Interior is authorized to 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)(1)(C)) in the areas withdrawn by the Presidential Memorandum entitled "Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition" (issued September 8, 2020) and the Presidential Memorandum entitled "Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition" (issued September 25, 2020).

(b) WITHDRAWALS.—Any Presidential withdrawal of an area of the Outer Continental Shelf from leasing under section 12(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(a)) issued after the date of enactment of this Act shall apply only to leasing authorized under subsections (a) and (i) of section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a) and 1337(i)), unless otherwise specified.

SEC. 70803. UNITED STATES GEOLOGICAL SURVEY.

(a) 3D ELEVATION PROGRAM.—In addition to amounts otherwise available, there is appropriated to the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to carry out the 3D elevation program (43 U.S.C. 3104).

(b) CLIMATE ADAPTATION SCIENCE CENTERS.—In addition to amounts otherwise available, there is appropriated to 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 until September 30, 2031, except that no amounts may be

expended after September 30, 2031, for the Regional and National Climate Adaptation Science Centers to provide localized information to help communities respond to climate change.

SEC. 70804. FOSSIL FUEL RESOURCES.

(a) REPEAL OF THE ARCTIC NATIONAL WILDLIFE REFUGE OIL AND GAS PROGRAM.—Section 20001 of Public Law 115–97 is repealed and any leases issued pursuant to section 20001 of Public Law 115–97 are hereby cancelled and all payments related to the leases shall be returned to the lessee(s) within 30 days of enactment of this Act.

(b) PROTECTION OF THE EASTERN GULF, ATLANTIC, AND PACIFIC COASTS.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—The Secretary of the Interior may not issue a lease or any other authorization for the exploration, development, or production of oil or natural gas in the areas of the Outer Continental Shelf designated by section 104(a) of the Gulf of Mexico Energy Security Act of 2006 or in any area within the Atlantic Region planning areas or the Pacific Region planning areas (as such planning areas are described in the document entitled '2017 – 2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program' dated November 2016, or a subsequent oil and gas leasing program developed under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).".

(c) ONSHORE FOSSIL FUEL ROYALTY RATES.—The Mineral Leasing Act (30 U.S.C. 207) is amended—

(1) in section 7(a), by striking "12½" and inserting "20";

(2) in section 17, by—

(A) striking "12.5" each place such term appears and inserting "20"; and

(B) striking "12 ½" each place such term appears and inserting "20"; and

(3) in section 31(e), by striking "16 ⅔" both places such term appears and inserting "25".

(d) OFFSHORE OIL AND GAS ROYALTY RATE.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking—

(1) "12 ½" each place such term appears and inserting "20"; and

(2) "12 and ½" each place such term appears and inserting "20".

(e) OIL AND GAS MINIMUM BID.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "$2 per acre" and inserting "$10 per acre, except as otherwise provided by this paragraph"; and

(B) by striking "Federal Onshore Oil and Gas Leasing Reform Act of 1987" and inserting "subtitle H of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14 of the 117th Congress";

(2) in subsection (b)(2)(C), by striking "$2 per acre" and inserting "$10 per acre"; and

(3) by adding at the end the following:

"(q) INFLATION ADJUSTMENT.—The Secretary shall—

"(1) by regulation, at least once every 4 years, adjust each of the dollar amounts that apply under subsections (b)(1)(B), (b)(2)(C), and (d) to reflect the change in inflation; and

"(2) publish each such regulation in the Federal Register.".

(f) DEFERRED COAL BONUS PAYMENTS.—Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended—

(1) in paragraph (1), by striking the second and third sentences; and

(2) by striking paragraphs (4) and (5).

(g) FOSSIL FUEL RENTAL RATES.—

(1) Section 7(a) of the Mineral Leasing Act (30 U.S.C. 207) is amended in the third sentence by inserting "at a rental rate of not less than $100 per acre (as reviewed and, if appropriate, adjusted by the Secretary every 4 years)" before the period.

(2) Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended in the first sentence by striking "$1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter" 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 such two-year period not less than $5 per acre per year".

(3) Section 31(e) of the Mineral Leasing Act (30 U.S.C. 188(e)) is amended by striking "$10" and inserting "$20".

(h) FOSSIL FUEL LEASE TERM LENGTH.—

(1) Section 7 of the Mineral Leasing Act (30 U.S.C. 207) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "twenty" and inserting "10";

(ii) in the second sentence, by striking "ten" and inserting "5"; and

(iii) in the sixth sentence—

(I) by striking "twenty" and inserting "10"; and

(II) by striking "ten" and inserting "5"; and

(B) in subsection (b)(5), by striking "20" and inserting "10".

(2) Section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)) is amended by striking "10 years:" and inserting "5 years.".

(i) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226), as amended by this subtitle is amended by adding at the end the following:

"(r) FEE FOR EXPRESSION OF INTEREST.—

"(1) IN GENERAL.—The Secretary shall charge any person who submits, in accordance with procedures established by the Secretary to carry out this subsection, an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas a fee in an amount determined by the Secretary under paragraph (2).

"(2) AMOUNT.—The fee authorized under paragraph (1) shall be established by the Secretary in an amount that is determined by the Secretary to be appropriate to cover the aggregate cost of processing an expression of interest under this sub-

section, but not less than $15 per acre of the area covered by the applicable expression of interest.

"(3) ADJUSTMENT OF FEE.—The Secretary shall, by regulation at least every 4 years, establish a higher expression of interest fee—

"(A) to reflect the change in inflation; and

"(B) as the Secretary determines to be necessary to enhance financial returns to the United States.".

(j) ELIMINATION OF NONCOMPETITIVE LEASING.—The Mineral Leasing Act is amended—

(1) in section 17(b) (30 U.S.C. 226(b)), by striking paragraph (3);

(2) by amending section 17(c) (30 U.S.C. 226(c)) to read as follows:

"(c) Lands made available for leasing under subsection (b)(1) but for which no bid is accepted may be made available by the Secretary for a new round of sealed bidding under such subsection.";

(3) in section 17(e) (30 U.S.C. 226(e))—

(A) by striking "Competitive and noncompetitive leases" and inserting "Leases, including leases for tar sand areas,"; and

(B) by striking "*Provided*, however" and all that follows through "ten years.";

(4) in section 31(d)(1) (30 U.S.C. 188(d)(1)) by striking "or (c)";

(5) in section 31(e) (30 U.S.C. 188(e))—

(A) in paragraph (2) by striking ", or the inclusion" and all that follows and inserting a semicolon; and

(B) in paragraph (3) by striking "(A)" and by striking subparagraph (B);

(6) by striking section 31(f) (30 U.S.C. 188(f)); and

(7) in section 31(g) (30 U.S.C. 188(g))—

(A) in paragraph (1) by striking "as a competitive" and all that follows through the period and inserting "in the same manner as the original lease issued pursuant to section 17.";

(B) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2), as redesignated, by striking ", applicable to leases issued under subsection 17(c) of this Act (30 U.S.C. 226(c)) except," and inserting ", except".

(k) OIL AND GAS BONDING REQUIREMENTS.—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended—

(1) by inserting "Each such bond, surety, or other financial arrangement shall be considered inadequate if such bond, surety, or other financial arrangement is for less than $150,000 in the case of an arrangement for an individual surface-disturbing activity of each entity on an individual oil or gas lease in a State, or $500,000 in the case of an arrangement for all surface-disturbing activities of each entity on all oil and gas leases in a State." after "on the lease.";

(2) by redesignating existing subsection (g) as paragraph (1); and

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

"(2)(A) Not later than 180 days after the date of enactment of subtitle H of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14 of the 117th Congress the Secretary concerned shall initiate a rulemaking to require that an adequate bond, surety, or other financial arrangement be provided by the lessee prior to the commencement of surface-disturbing activities on any lease issued under this Act to ensure the complete and timely remediation and reclamation of any land, water, or other resources (including resources with recreation, range, timber, mineral, watershed, fish or wildlife, natural scenic, scientific, or historical value) adversely affected by lease activities and operations after the abandonment or cessation of oil and gas operations on the lease.

"(B) The Secretary concerned shall find that a bond, surety or other financial arrangement required by regulation under subparagraph (A) is inadequate if it is for less than—

"(i) the complete and timely reclamation of the lease tract;

"(ii) the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease; and

"(iii) in the case of an idled well, the total plugging and reclamation costs for each idled well controlled by the same operator.

"(C) The Secretary concerned shall review the adequacy of each such bond, surety, or other financial arrangement at least once every 5 years and anytime a lease issued under this Act is transferred.".

(l) PER-ACRE LEASE FEES.—

(1) OIL AND GAS LEASE FEES.—The Secretary of Interior shall charge onshore and offshore oil and gas leaseholders the following annual, non-refundable fees:

(A) CONSERVATION OF RESOURCES FEE.—There is established a Conservation of Resources Fee of $4 per acre per year on new producing Federal onshore and offshore oil and gas leases.

(B) SPECULATIVE LEASING FEE.—There is established a Speculative Leasing Fee of $6 per acre per year on new nonproducing Federal onshore and offshore oil and gas leases.

(2) DEPOSIT.—All funds collected pursuant to paragraph (1) shall be deposited into the United States Treasury General Fund.

(3) ADJUSTMENT FOR INFLATION.—The Secretary of the Interior shall, by regulation at least once every four years, adjust each fee created by paragraph (1) to reflect any increase in inflation.

(m) ONSHORE OIL AND GAS INSPECTION FEES.—

(1) IN GENERAL.—Section 108 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1718) is amended by adding at the end the following:

"(d) INSPECTION FEES.—

"(1) IN GENERAL.—The designated operator under each oil and gas lease on Federal or Indian lands, or each unit and communitization agreement that includes one or more such Federal or Indian leases, that is subject to inspection under subsection (b) and that is in force at the start of the fiscal year 2021, shall pay a nonrefundable annual inspection fee in an amount that, except as provided in paragraph (2), is established by the Secretary by regulation and is sufficient to recover the full costs incurred by the United States for inspection and enforcement with respect to such leases.

"(2) AMOUNT.—Until the effective date of regulations under paragraph (1), the amount of the fee shall be—

"(A) $800 for each lease or unit or communitization agreement with no active or inactive wells, but with surface use, disturbance or reclamation;

"(B) $1,400 for each lease or unit or communitization agreement with 1 to 10 wells, with any combination of active or inactive wells;

"(C) $5,600 for each lease or unit or communitization agreement with 11 to 50 wells, with any combination of active or inactive wells; and

"(D) $11,300 for each lease or unit or communitization agreement with more than 50 wells, with any combination of active or inactive wells.

"(3) DUE DATE.—Payment of the fee under this section shall be due, annually, not later than 30 days after the Secretary provides notice of the assessment of the fee.

"(4) PENALTY.—If the designated operator fails to pay the full amount of the fee as prescribed in this section, the Secretary may, in addition to utilizing any other applicable enforcement authority, assess civil penalties against the operator under section 109 in the same manner as if this section were a mineral leasing law.

"(5) EXEMPTION FOR TRIBAL OPERATORS.—An operator that is a Tribe or is controlled by a Tribe is not subject to paragraph (1) with respect to a lease, unit, or communitization agreement that is located entirely on the lands of such Tribe.".

(2) ASSESSMENT FOR FISCAL YEAR 2022.—The Secretary of the Interior shall assess the fee under the amendment made by paragraph (1) for fiscal year 2022, and provide notice of such assessment to each designated operator who is liable for such fee, by not later than 60 days after the date of enactment of this Act.

(n) OFFSHORE OIL AND GAS INSPECTION FEES.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended by adding at the end the following:

"(g) INSPECTION FEES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—The Secretary shall collect from the operators of facilities subject to inspection under subsection (c) nonrefundable fees for such inspections—

"(i) at an aggregate level to offset the annual expenses of such inspections;

"(ii) using a schedule that reflect the differences in complexity among the classes of facilities to be inspected; and

"(iii) in accordance with subparagraph (C).

"(B) ADJUSTMENT FOR INFLATION.—For each fiscal year beginning after fiscal year 2022, the Secretary shall adjust the amount of the fees collected under this paragraph for inflation.

"(C) FEES FOR FISCAL YEAR 2022.—

"(i) ANNUAL FEES.—For fiscal year 2022, the Secretary shall collect annual fees from the operator of facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year in the following amounts:

"(I) $11,725 for facilities with no wells, but with processing equipment or gathering lines.

"(II) $18,984 for facilities with 1 to 10 wells, with any combination of active or inactive wells.

"(III) $35,176 for facilities with more than 10 wells, with any combination of active or inactive wells.

"(ii) FEES FOR DRILLING RIGS.—For fiscal year 2022, the Secretary shall collect fees for each inspection from the operators of drilling rigs in the following amounts:

"(I) $34,059 per inspection for rigs operating in water depths of 500 feet or more.

"(II) $18,649 per inspection for rigs operating in water depths of less than 500 feet.

"(iii) FEES FOR NON-RIG UNITS.—For fiscal year 2022, the Secretary shall collect fees for each inspection from the operators of well operations conducted via non-rig units as outlined in subparts D, E, F, and Q of part 250 of title 30, Code of Federal Regulations (or any successor regulation), in the following amounts:

"(I) $13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more.

"(II) $11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet.

"(III) $4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

"(2) DISPOSITION.—Amounts collected as fees under paragraph (1) shall be deposited into the general fund of the Treasury.

"(3) BILLING.—

"(A) ANNUAL FEES.—The Secretary shall bill designated operators under paragraph (1)(C)(i) annually, with payment required not later than 30 days after such billing.

"(B) FEES FOR DRILLING RIGS.—The Secretary shall bill designated operators under paragraph (1)(C)(ii) not later than 30 days after the end of the month in which the inspection occurred, with payment required not later than 30 days after such billing.

"(4) PUBLICATION.—The Secretary shall annually make available to the public the following information about each fee deposited into the Fund:

"(A) The facility that was inspected.

"(B) The name of the operator of such facility.

"(C) The amount of the payment.".

(o) SEVERANCE FEES.—The Secretary of Interior shall collect annual, non-refundable fees on fossil fuels produced from new leases on Federal lands and the Outer Continental Shelf and deposit the funds into the United States Treasury General Fund. Such fees shall be—

(1) not less than $0.50 per barrel of oil equivalent on oil and natural gas produced from Federal lands and the Outer Continental Shelf; and

(2) not less than $2 per metric ton of coal produced from Federal lands.

(p) IDLED WELL FEES.—

(1) IN GENERAL.—The Secretary shall, not later than 180 days after the date of enactment of this section, issue regulations to require each operator of an idled well on Federal land and the Outer Continental Shelf to pay an annual, nonrefundable fee for each such idled well in accordance with this subsection.

(2) AMOUNTS.—Except as provided in paragraph (5), the amount of the fee shall be as follows:

(A) $500 for each well that has been considered an idled well for at least 1 year, but not more than 5 years.

(B) $1,500 for each well that has been considered an idled well for at least 5 years, but not more than 10 years.

(C) $3,500 for each well that has been considered an idled well for at least 10 years, but not more than 15 years.

(D) $7,500 for each well that has been considered an idled well for at least 15 years.

(3) DUE DATE.—An owner of an idled well that is required to pay a fee under this subsection shall submit to the Secretary such fee by not later than October 1 of each year.

(4) CIVIL PENALTY.—If the operator of a idled well fails to pay the full amount of a fee under this subsection, the Secretary may assess a civil penalty against the operator under section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) as if such failure to pay were a violation under such section.

(5) ADJUSTMENT FOR INFLATION.—The Secretary shall, by regulation not less than once every 4 years, adjust each fee under this subsection to account for inflation.

(6) DEPOSIT.—All funds collected pursuant to paragraph (1) shall be deposited into the United States Treasury General Fund.

(7) IDLED WELL DEFINITION.—For the purposes of this section, the term "idled well" means a well that has been nonoperational for at least two consecutive years and for which there is no anticipated beneficial future use.

(q) ANNUAL PIPELINE OWNERS FEE.—Not later than 180 days after the date of enactment of this Act, the Bureau of Safety and Environmental Enforcement shall issue regulations to assess an annual fee on owners of offshore oil and gas pipelines. Such fee shall not qualify as a transportation allowance or as a deductible cost in calculating royalties due to the United States and shall be no less than—

(1) $10,000 per mile for such pipelines in water with a depth of 500 feet or greater; and

(2) $1,000 per mile for pipelines in water depth of under 500 feet.

(r) ROYALTIES ON ALL EXTRACTED METHANE.—

(1) ASSESSMENT ON ALL PRODUCTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), royalties paid for gas produced from Federal lands and on the Outer Continental Shelf shall be assessed on all gas produced, including—

(i) gas used or consumed within the area of the lease tract for the benefit of the lease; and

(ii) all gas that is consumed or lost by venting, flaring, or fugitive releases through any equipment during upstream operations.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to—

(i) gas vented or flared for not longer than 48 hours in an acute emergency situation that poses a danger to human health; and

(ii) gas used or consumed within the area of the lease tract for the benefit of the lease when the operator is a Tribe or is controlled by a Tribe that is located entirely on the lands of such Tribe.

(2) CONFORMING AMENDMENTS.—

(A) MINERAL LEASING ACT.—The Mineral Leasing Act is amended—

(i) in section 14 (30 U.S.C. 223), by adding at the end the following: "Royalties shall be assessed with respect to oil and gas, other than gas vented or flared for not longer than 48 hours in an acute emergency situation that poses a danger to human health and gas used or gas consumed within the area of the lease tract for the benefit of the lease when the operator is a Tribe or is controlled by a Tribe that is located entirely on the lands of such Tribe, without regard to whether oil or gas is removed or sold from the leased land.";

(ii) in section 22 (30 U.S.C. 251), by striking "sold or removed"; and

(iii) in section 31 (30 U.S.C. 188), by striking "removed or sold" each place it appears.

(B) OUTER CONTINENTAL SHELF LANDS ACT.—The Outer Continental Shelf Lands Act is amended—

(i) in section 6(a)(8) (43 U.S.C. 1335(a)(8)), by striking "saved, removed, or sold" each place it appears; and

(ii) in section 8(a) (43 U.S.C. 1337(a))—

(I) in paragraph (1), by striking "saved, removed, or sold" each place it appears; and

(II) by adding at the end the following:

"(9) Royalties under this Act shall be assessed with respect to oil and gas, other than gas vented or flared for not longer than 48 hours in an acute emergency situation that poses a danger to human health and gas used or gas consumed within the area of the lease tract for the benefit of the lease when the operator is a Tribe or is controlled by a Tribe that is located entirely on the lands of such Tribe, without regard to whether oil or gas is removed or sold from the leased land.".

(s) ELIMINATION OF ROYALTY RELIEF.—

(1) IN GENERAL.—

(A) OUTER CONTINENTAL SHELF LANDS ACT RELATING TO THE SUSPENSION OF ROYALTIES.—Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) is amended by striking ", and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease".

(B) OUTER CONTINENTAL SHELF LANDS ACT RELATING TO THE SUSPENSION OF ROYALTIES.—Section 8(a)(1)(H) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(H)) is amended by striking ", and with suspension of royalties for a period, volume, or value of production determined by the Secretary, which suspensions may vary based on the price of production from the lease".

(C) 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—

(i) by striking subparagraphs (A) and (B); and

(ii) by redesignating subparagraph (C) as subparagraph (A).

(D) ENERGY POLICY ACT OF 2005.—

(i) 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. 15904) is repealed.

(ii) DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(2) FUTURE PROVISIONS.—Royalty relief shall not be permitted under a lease issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337).

(3) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended—

(A) in subsection (i), by striking paragraphs (2) through (6); and

(B) by striking subsection (k).

(4) ROYALTY RELIEF UNDER THE MINERAL LEASING ACT.—

(A) REPEAL.—Section 39 of the Mineral Leasing Act (30 U.S.C. 209) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) Section 8721(b) of title 10, United States Code, is amended by striking "202–209" and inserting "202–208".

(ii) Section 8735(a) of title 10, United States Code, is amended by striking "202–209" and inserting "202–208".

(iii) Section 31(h) of the Mineral Leasing Act (30 U.S.C. 188(h)) is amended by striking "and the provisions of section 39 of this Act".

SEC. 70805. CIVIL AND CRIMINAL PENALTIES.

(a) MINERAL LEASING ACT.—Section 41 of the Mineral Leasing Act (30 U.S.C. 195) is amended—

(1) in subsection (b), by striking "$500,000" and inserting "$1,000,000"; and

(2) in subsection (c), by striking "$100,000" and inserting "$250,000".

(b) FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982.—The Federal Oil and Gas Royalty Management Act of 1982 is amended—

(1) in section 109 (30 U.S.C. 1719)—

(A) in subsection (a)(2), by striking "$500" and inserting "$1,500";

(B) in subsection (b), by striking "$5,000"and inserting "$15,000";

(C) in subsection (c)(3), by striking "$10,000" and inserting "$30,000";

(D) in subsection (d)(3), by striking "$25,000" and inserting "$75,000";

(E) by redesignating existing subsections (e) through (l) as (f) through (m), respectively; and

(F) by adding at the end:

"(n) INFLATION ADJUSTMENT OF MAXIMUM PENALTIES.—

"(1) The maximum civil penalty amounts listed in subsections (a) through (d) shall automatically adjust for inflation on the 1st day of each calendar year in accordance with the provisions of this subsection.

"(2) The inflation adjustment under this subsection shall be based on the Consumer Price Index published by the Department of Labor for all Urban Consumers (CPI–U) and shall be calculated by the percentage change, if any, by which the CPI–U for the month of October preceding the adjustment date exceeds the CPI–U for the month of October one year before.

"(3) The Secretary will provide sufficient notice of adjusted penalties by publishing the adjusted maximum civil penalty amounts on a public website of the Department.

"(4) The Secretary will provide notice, in writing, to the Committee on Natural Resources of the Department's intent to adjust such penalties 180 days before publishing the adjusted maximum civil penalty amounts on a public website of the Department under paragraph (3).."; and

(2) in section 110, by striking "$50,000" and inserting "$150,000".

(c) OUTER CONTINENTAL SHELF LANDS ACT.—

(1) CIVIL PENALTY, GENERALLY.—Section 24(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(b)) is amended to read as follows:

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who fails to comply with any provision of this Act, or any term of a lease, license, or permit issued pursuant to this Act, or any regulation or order issued under this Act, shall be liable for a civil administrative penalty of not more than $75,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty.

"(2) OPPORTUNITY FOR A HEARING.—No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

"(3) ADJUSTMENT FOR INFLATION.—The Secretary shall, by regulation at least every 3 years, adjust the penalty specified in this paragraph to reflect any increases in inflation.

"(4) THREAT OF HARM.—If a failure described in paragraph (1) constitutes or constituted a threat of harm or damage to life, property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty of not more than $150,000 shall be assessed for each day of the continuance of the failure.".

(2) KNOWING AND WILLFUL VIOLATIONS.—Section 24(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(c)) is amended by striking "$100,000" and inserting "$1,000,000".

(3) OFFICERS AND AGENTS OF CORPORATIONS.—Section 24(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(d)) is amended by striking "knowingly and willfully authorized, ordered, or carried out" and inserting "authorized, ordered, carried out, or through reckless disregard of the law caused".

SEC. 70806. TECHNICAL AMENDMENTS TO FOGRMA.

(a) AMENDMENTS TO DEFINITIONS.—Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (20)(A), by striking ": *Provided*, That" and all that follows through "subject of the judicial proceeding";

(2) in paragraph (20)(B), by striking "(with written notice to the lessee who designated the designee)";

(3) in paragraph (23)(A), by striking "(with written notice to the lessee who designated the designee)";

(4) by amending paragraph (24) to read as follows:

"(24) 'designee' means a person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);";

(5) in paragraph (25), in subparagraph (B)—

(A) by striking "(subject to the provisions of section 102(a) of this Act)"; and

(B) in clause (ii), by striking subclause (IV) and all that follows through the end of the subparagraph and inserting the following:

"(IV) any assignment, that arises from or relates to any lease, easement, right-of-way, permit, or other agreement regardless of form administered by the Secretary for, or any mineral leasing law related to, the exploration, production, and development of oil and gas or other energy resource on Federal lands or the Outer Continental Shelf;"; and

(6) in paragraph (29), by inserting "or permit" after "lease".

(b) COMPLIANCE REVIEWS.—Section 101 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1711) is amended by adding at the end the following new subsection:

"(d) The Secretary may, as an adjunct to audits of accounts for leases, conduct compliance reviews of accounts. Such reviews shall not constitute nor substitute for audits of lease accounts. The Secretary shall immediately refer any disparity uncovered in such a compliance review to a program auditor. The Secretary shall, before completion of a compliance review, provide notice of the review to designees whose obligations are the subject of the review.".

(c) LIABILITY FOR ROYALTY PAYMENTS.—Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

"(a) LIABILITY FOR ROYALTY PAYMENTS.—

"(1) TIME AND MANNER OF PAYMENT.—In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease, easement, right-of-way, permit, or other agreement, regardless of form, or under the mineral leasing laws, shall make such payment in the time and manner as may be specified by the Secretary or the applicable delegated State.

"(2) DESIGNEE.—Any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act.

"(3) LIABILITY.—A designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease.".

(d) RECORDKEEPING.—Section 103(b) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713(b)) is amended by striking "6" and inserting "7".

(e) ADJUSTMENTS AND REFUNDS.—Section 111A of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721a) is amended—

(1) in subsection (a)—

(A) by amending paragraph (3) to read as follows:

"(3)(A) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period

which includes the production month for which the adjustment is being made.

"(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation after the completion of an audit or compliance review of such obligation unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.

"(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment."; and

(B) in paragraph (4)—

(i) by striking "six-year" and inserting "four-year"; and

(ii) by striking "period shall" and inserting "period may"; and

(2) in subsection (b)(1)—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) is made within the adjustment period for that obligation.".

(f) OBLIGATION PERIOD.—

(1) Section 115(b)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(b)(1)) is amended to read as follows:

"(1) The Secretary or a delegated State shall commence a judicial proceeding or demand which arises from, or relates to an obligation, within seven years from the date on which the obligation becomes due and if not so commenced shall be barred. A lessee shall commence a judicial proceeding or demand which arises from, or relates to an obligation, within four years from the date on which an obligation becomes due and if not so commenced shall be barred. If the Secretary, a delegated State, a lessee, or designee is barred from commencement of a judicial proceeding or demand for an obligation, it—

"(A) shall not take any other or further action regarding that obligation, including (but not limited to) the issuance of any order, request, demand or other communication seeking any document, accounting, determination, calculation, recalculation, payment, principal, interest, assessment, or penalty or the initiation, pursuit or completion of an audit with respect to that obligation; and

"(B) shall not pursue any other equitable or legal remedy, including equitable recoupment, whether under statute or common law, with respect to an action on, defense against, or an enforcement of said obligation.".

(2) Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following new paragraph:

"(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) in which a recoupment by the lessee results in an underpayment of an obligation, the obligation becomes due on the date the lessee or its designee makes the adjustment.".

(g) APPEALS.—Section 115(h) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(h)) is amended—

(1) in paragraph (1), in the heading, by striking "33-MONTH" and inserting "48-MONTH";

(2) by striking "33 months" each place it appears and inserting "48 months"; and

(3) by striking "33-month" each place it appears and inserting "48-month".

(h) PENALTY FOR LATE OR INCORRECT REPORTING OF DATA.—

(1) IN GENERAL.—The Secretary of the Interior shall issue regulations by not later than 1 year after the date of enactment of this Act that establish a civil penalty for late or incorrect reporting of data under the Federal Oil and Gas Royalty Management Act of 1982.

(2) AMOUNT.—The amount of the civil penalty shall be—

(A) an amount that the Secretary determines is sufficient to ensure filing of data in accordance with that Act; and

(B) not less than $10 for each failure to file correct data in accordance with that Act.

(3) CONTENT OF REGULATIONS.—Except as provided in paragraph (2), the regulations issued under this section shall be substantially similar to section 216.40 of title 30, Code of Federal Regulations, as most recently in effect before the date of enactment of this Act.

(i) SHARED PENALTIES.—Section 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1736) is amended by striking "Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian Tribe under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year.".

(j) ADJUSTMENTS AND REFUNDS.—Section 111A of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721a) is amended—

(1) in subsection (a)—

(A) by amending paragraph (3) to read as follows:

"(3)(A) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period which includes the production month for which the adjustment is being made.

"(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation after the completion of an audit or compliance review of such obligation unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.

"(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment."; and

(B) in paragraph (4)—

(i) by striking "six-year" and inserting "four-year"; and

(ii) by striking "period shall" and inserting "period may"; and

(2) in subsection (b)(1)—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) is made within the adjustment period for that obligation.".

(k) TOLLING AGREEMENTS AND SUBPOENAS.—

(1) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended—

(A) by striking "(with notice to the lessee who designated the designee)"; and

(B) by adding at the end "A tolling agreement executed by a designee shall bind both the owner of legal record title in a lease and the owner of operating rights in a lease, and any designee. The owner of the legal record title and the owner of operating rights in a lease shall be bound by the tolling agreement to the extent of their pro rata share of payment obligations under the lease.".

(2) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking "(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)".

(l) REQUIRED RECORDKEEPING FOR NATURAL GAS PLANTS.—

(1) Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall publish final regulations with respect to required recordkeeping, under the authority provided in section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713), as amended by this Act.

(2) Section 103(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713(a)) is amended to read:

"(a) A lessee, operator, or other person directly involved in developing, producing, treating, transporting, processing, purchasing, or selling oil or gas subject to this chapter through the point of first arm's-length sale, the point of royalty determination, or the point that processing is complete, whichever is later, shall establish and maintain any records, make any reports, and provide any information that the Secretary may, by rule, reasonably require for the purposes of implementing this chapter or determining compliance with rules or orders under this chapter. Upon the request of any officer or employee duly designated by the Secretary or any State or Indian Tribe conducting an audit or investigation pursuant to this chapter, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee, State, or Indian Tribe.".

(m) ENTITLEMENTS.—

(1) DIRECTED RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior

shall publish final regulations prescribing when a Federal lessee or designee must report and pay royalties on oil and gas production for each month based on—

(A) the volume of oil and gas produced from a lease or allocated to the lease in accordance with the terms of a unit or communitization agreement; or

(B) the actual volume of oil and gas sold by or on behalf of the lessee.

(2) 100 PERCENT ENTITLEMENT REPORTING AND PAYING.—The Secretary shall give consideration to requiring all reporting and paying based on the volume of oil and gas produced from a lease or allocated to the lease in accordance with the terms of a unit or communitization agreement without regard to the actual volume of oil and gas sold by or on behalf of a lessee.

(3) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.—Section 111(i) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721(i)) is amended to read:

"(i) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.—Except as otherwise provided by this subsection—

"(A) a lessee or its designee of a lease in any unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from such agreement and allocated to the lease in accordance with the terms of the agreement; and

"(B) a lessee or its designee of a lease that is not contained in a unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from the lease unless the Secretary promulgates a final rule to allow or require that the lessee report and pay royalties on oil and gas production for each production month based on the actual volume of production sold by or on behalf of that lessee.".

SEC. 70807. HARDROCK MINING.

(a) ABANDONED MINE LAND CLEANUP.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated $2,500,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for all activities necessary to inventory, assess, decommission, reclaim, respond to hazardous substance releases on, and remediate abandoned locatable minerals mine land.

(b) ROYALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), production of all locatable minerals from any mining claim located under the general mining laws and maintained in compliance with this Act, or mineral concentrates or products derived from locatable minerals from any such mining claim, as the case may be, shall be subject to a royalty of 8 percent of the gross income from mining. The claim holder or any operator to whom the claim holder has assigned the obligation to make royalty payments under the claim and

any person who controls such claim holder or operator shall be liable for payment of such royalties.

(2) ROYALTY FOR FEDERAL LANDS SUBJECT TO APPROVED PLAN OF OPERATIONS.—The royalty under paragraph (2) shall be 4 percent in the case of any Federal land that is subject to an approved plan of operations on the date of the enactment of this Act.

(3) FEDERAL LAND ADDED TO EXISTING PLANS OF OPERATIONS.—Any Federal land added through a plan modification to a mining plan of operations that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

(4) LIMITATION ON APPLICATION.—

(A) IN GENERAL.—Any royalty under this subsection shall not apply to small miners. In this subparagraph, the term "small miner" means a person (including all related parties thereto) that certifies to the Secretary in writing that the person had annual gross income in the preceding calendar year from mineral production in an amount less than $100,000.

(B) RELATED PARTIES DEFINED.—For the purposes of this paragraph, the term "related parties" means, with respect to a person—

(i) the spouse and all dependents (as defined in section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152)) of the person; or

(ii) another person who is affiliated with the person, including—

(I) another person who controls, is controlled by, or is under common control with the person; and

(II) a subsidiary or parent company or corporation of the person.

(C) CONTROL DEFINED.—For purposes of this paragraph, the term "control" includes actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

(5) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—

(A) REGULATION.—The Secretary shall prescribe by rule the time and manner in which—

(i) a person who is required to make a royalty payment under this section shall make such payment; and

(ii) shall notify the Secretary of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim under this section.

(B) WRITTEN INSTRUMENT.—Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is responsible for making proper payments for all amounts due for all time periods for which such person has a payment responsibility.

(C) ADDITIONAL AMOUNTS.—Such responsibility for the periods referred to in subparagraph (B) shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action.

(D) JOINT AND SEVERAL LIABILITY.—Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the period.

(E) OBLIGATIONS.—A person conducting mineral activities shall—

(i) develop and comply with the site security provisions in the mining plan of operations designed to protect from theft the hardrock minerals, concentrates, or products derived therefrom that are produced or stored on the area subject to a mining claim or lease, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on areas subject to mining claims and leases; and

(ii) not later than the 5th business day after production begins anywhere on an area subject to a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(F) REQUIRED DOCUMENTATION.—The Secretary may by rule require any person engaged in transporting a hardrock mineral, concentrate, or product derived therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the hardrock mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(6) RECORDKEEPING AND REPORTING REQUIREMENTS.—

(A) IN GENERAL.—A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling hardrock minerals, concentrates, or products derived therefrom, subject to this section, shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include periodic reports, records, documents, and other data. Such reports may also include pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim or lease.

(B) FORFEITURE.—Failure by a claim holder or operator to cooperate with such an audit, provide data required by the Secretary, or grant access to information may, at the discretion of the Secretary, be declared void.

(C) MAINTENANCE OF RECORDS.—Records required by the Secretary under this section shall be maintained for 7 years after release of financial assurance unless the Secretary notifies the operator that the Secretary has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(7) AUDITS.—The Secretary is authorized to conduct such audits of all operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sale of minerals covered by this section, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(8) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—

(A) PAYMENTS NOT RECEIVED.—In the case of production where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such underpayments at the same interest rate as the rate applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(B) UNDERREPORTING.—If there is any underreporting of royalty owed on production for any production month by any person liable for royalty payments under this section, the Secretary shall assess a penalty of not greater than 25 percent of the amount of that underreporting.

(C) SELF-REPORTING.—The Secretary may waive or reduce the assessment provided in subparagraph (B) if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(D) WAIVER.—The Secretary shall waive any portion of an assessment under subparagraph (B) attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(i) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported;

(ii) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported;

(iii) such person previously had notified the Secretary, in such manner as the Secretary may by rule

prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting; or

(iv) such person meets any other exception which the Secretary may, by rule, establish.

(E) DEFINITION.—For the purposes of this subsection, the term "underreporting" means the difference between the royalty on the value of the production that should have been reported and the royalty on the value of the production which was reported, if the value that should have been reported is greater than the value that was reported.

(9) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all hardrock minerals, concentrates, or products derived therefrom lost or wasted from a mining claim when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(10) GROSS INCOME FROM MINING DEFINED.—For the purposes of this section, for any hardrock mineral, the term "gross income from mining" has the same meaning as the term "gross income" in the Internal Revenue Code of 1986 (26 C.F.R. 61).

(11) EFFECTIVE DATE.—Royalties under this section shall take effect with respect to the production of hardrock minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

(12) FAILURE TO COMPLY WITH ROYALTY REQUIREMENTS.—Any person who fails to comply with the requirements of this section or any regulation or order issued to implement this section shall be liable for a civil penalty under section 109 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719) to the same extent as if the claim maintained in compliance with this title were a lease under such Act.

(c) RECLAMATION FEE.—

(1) IMPOSITION OF FEE.—Except as provided in paragraph (7), each operator conducting hardrock mineral activities shall pay to the Secretary of the Interior a reclamation fee of 7 cents per ton of displaced material.

(2) PAYMENT DEADLINE.—Such reclamation fee shall be paid not later than 60 days after the end of each calendar year beginning with the first calendar year occurring after the date of enactment of this Act.

(3) SUBMISSION OF STATEMENT.—All operators conducting hardrock mineral activities shall submit to the Secretary a statement of the amount of displaced material produced during mineral activities during the previous calendar year, the accuracy of which shall be sworn to by the operator and notarized.

(4) PENALTY.—Any corporate officer, agent, or director of a person conducting hardrock mineral activities, and any other person acting on behalf of such a person, who knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certifi-

cation, required under this section with respect to such operation shall, upon conviction, be punished by a fine of not more than $10,000.

(5) CIVIL ACTION TO RECOVER FEE.—Any portion of such reclamation fee not properly or promptly paid pursuant to this section shall be recoverable, with statutory interest, from the hardrock mineral activities operator, in any court of competent jurisdiction in any action at law to compel payment of debts.

(6) EFFECT.—Nothing in this section requires a reduction in, or otherwise affects, any similar fee required under any law (including regulations) of any State.

(7) EXEMPTION.—The fee under this section shall not apply for small miners.

(8) DEFINITIONS.—

(A) The term "displaced material" means any unprocessed ore and waste dislodged from its location at the time hardrock mineral activities begin at a surface, underground, or in-situ mine.

(B) The term "hardrock mineral"—

(i) means any mineral that was subject to location under the general mining laws as of the date of enactment of this Act, and that is not subject to disposition under—

(I) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(II) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(III) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 et seq.); or

(IV) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 et seq.); and

(ii) does not include any mineral that is subject to a restriction against alienation imposed by the United States and is—

(I) held in trust by the United States for any Indian or Indian Tribe, as defined in section 2 of the Indian Miner Development Act of 1982 (25 U.S.C. 2101); or

(II) owned by any Indian or Indian Tribe, as defined in that section.

(C) The term "mineral activities" means any activity on a mining claim, mill site, or tunnel site, or a mining plan of operations, for, related to, or incidental to, mineral exploration, mining, beneficiation, processing, or reclamation activities for any hardrock mineral.

(D) The term "operator" means any person authorized at the date of enactment of this Act or proposing after the date of enactment of this Act to conduct mineral activities under the Mining Law of 1872 (30 U.S.C. 22)and any agent of such person.

(E) The term "small miner" means a person (including all related parties thereto) that certifies to the Secretary in writing that the person had annual gross income in the

preceding calendar year from mineral production in an amount less than $100,000.

(F) The term "displaced material" means any crude ore and waste dislodged from its location at the time hardrock mineral activities begin at a surface, underground, or in-situ mine.

(d) CLAIM MAINTENANCE FEE.—

(1) HARDROCK MINING CLAIM MAINTENANCE FEE.—

(A) REQUIRED FEES.—

(i) For each unpatented mining claim, mill, or tunnel site on federally owned lands, whether located before, on, or after the date of enactment of this Act, each claimant shall pay to the Secretary, on or before September 1 of each year, a claim maintenance fee of $200 per claim to hold such unpatented mining claim, mill or tunnel site for the assessment year beginning at noon on the next day, September 1.

(ii) For each unpatented placer mining claim on federally owned lands, whether located before, on, or after the date of enactment of this Act, each claimant shall pay to the Secretary, on or before September 1 of each year, a claim maintenance fee of $200 for each 20 acres of the placer claim or portion thereof.

(iii) Such claim maintenance fee described in this section shall be in lieu of the assessment work requirement contained in the Mining Law of 1872 (30 U.S.C. 28 et seq.) and the related filing requirements contained in section 314 (a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744 (a) and (c)).

(iv) The claim maintenance fee in this section shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management.

(B) FEE ADJUSTMENTS.—

(i) The Secretary shall provide claimants notice of any adjustment made under this subsection not later than July 1 of any year in which the adjustment is made.

(ii) A fee adjustment under this subsection shall begin to apply the first assessment year which begins after adjustment is made.

(C) EXCEPTION FOR SMALL MINERS.—The claim maintenance fee required under this section may be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(i) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

(ii) have performed assessment work required under the Mining Law of 1872 (30 U.S.C. 28–28e) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon

of September 1 of the calendar year in which payment of the claim maintenance fee was due.

(2) CO-OWNERSHIP.—The co-ownership provisions of the Mining Law of 1872 (30 U.S.C. 28 et seq.) shall remain in effect except that the annual claim maintenance fee, where applicable, shall replace applicable assessment requirements and expenditures.

(3) FAILURE TO PAY.—Failure to timely pay the claim maintenance fee as required by the Secretary shall conclusively constitute a forfeiture of the unpatented mining claim, mill or tunnel site by the claimant and the claim shall be deemed null and void by operation of law.

(e) FUNDING TO PREVENT ENVIRONMENTAL DAMAGE FROM MINING.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to revise rules and regulations to prevent undue degradation of public lands due to hardrock mining activities as authorized by the Federal Land Policy and Management Act (43 U.S.C. 1701) and the Mining Law of 1872 (30 U.S.C. 22).

Subtitle I—Office of Native Hawaiian Relations

SEC. 70901. NATIVE HAWAIIAN CONSULTATION.

In addition to amounts otherwise available, there is appropriated to the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the purposes of conducting consultations with the Native Hawaiian people.

SEC. 70902. NATIVE HAWAIIAN CLIMATE RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, through direct expenditure, contracts, grants, and cooperative agreements to provide funding and technical assistance for climate resilience and adaptation programs that serve the Native Hawaiian people.

Subtitle J—Accountability for Funds

SEC. 71001. OVERSIGHT.

One half of one percent of the amounts made available under this title in each of fiscal years 2022 through 2031 shall be used for the oversight and accountability of the expenditure of funds.

SEC. 71002. LIMITATION.

Of the funds provided under sections 70301, 70303, 70310, 70504, 70505, 70506, 70507, 70508, 70510, 70512, 70513, 70514, 70601, 70602, 70603, 70609, and 70610, no more than 2 percent shall be used for administrative costs to carry out such sections.

SEC. 71003. LIMITATION.

No funds made available under this title may be used to close the national office of the Bureau of Land Management located in Grand Junction, Colorado.

TITLE VIII—COMMITTEE ON OVERSIGHT AND REFORM

SEC. 80001. GENERAL SERVICES ADMINISTRATION CLEAN VEHICLE FLEET.

In addition to amounts otherwise available, there is appropriated to the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until expended, for the procurement of electric vehicles and related infrastructure for the Federal fleet (excluding any vehicles of the United States Postal Service and including non-tactical vehicles of the Department of Defense), and the management, acquisition, and allocation of such electric vehicles and infrastructure and working with Federal agencies to allocate and lease resources as necessary.

SEC. 80002. GENERAL SERVICES ADMINISTRATION OFFICE OF THE INSPECTOR GENERAL CLEAN VEHICLE FLEET OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000, to remain available until expended, for oversight of the procurement of electric vehicles and related infrastructure for the Federal fleet at the General Services Administration.

SEC. 80003. UNITED STATES POSTAL SERVICE; CLEAN VEHICLE FLEET AND FACILITY MAINTENANCE.

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, $7,000,000,000, to remain available until expended, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, to acquire electric vehicles for the Postal Service fleet, of which $3,000,000,000 shall be for the purchase of electric delivery vehicles and $4,000,000,000 shall be for the purchase of the related infrastructure to support such vehicles.

SEC. 80004. UNITED STATES POSTAL SERVICE OFFICE OF THE INSPECTOR GENERAL CLEAN VEHICLE FLEET PROCUREMENT OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $23,000,000, to remain available until ex-

pended, to be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, to perform oversight of the United States Postal Service's acquisition and deployment of electric vehicles and such infrastructure as may be required to support such vehicles.

SEC. 80005. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the National Archives and Records Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $60,000,000 to remain available until expended to address backlogs in responding to requests from veterans for military personnel records, improve cyber security, improve digital preservation and access to archival Federal records, and address backlogs in requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). Such amounts may also be used for the Federal Records Center Program.

SEC. 80006. FUNDING FOR GOVERNMENT ACCOUNTABILITY OFFICE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for the Comptroller General to conduct oversight of the receipt, disbursement, and use of funds and exercise of authorities provided by this Act, including oversight of the equitable distribution and use of funds and their economic, social, and environmental impacts, and to prepare such reports that the Comptroller General determines appropriate.

SEC. 80007. FUNDING FOR THE OFFICE OF MANAGEMENT AND BUDGET FOR IMPLEMENTATION OF JUSTICE40.

In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000 to remain available until September 30, 2026, for additional personnel and data management expenses to support implementation of the Justice40 Initiative set forth in section 223 of Executive Order No. 14008, "Executive Order on Tackling the Climate Crisis at Home and Abroad" (January 27, 2021), including providing assistance to other agencies in the development and implementation of methodologies to measure benefits, the development of a database to track agency benefits to disadvantaged communities, and a public-facing scorecard detailing agency environmental justice performance measures.

SEC. 80008. DISTRICT OF COLUMBIA CLEAN VEHICLE FLEET.

In addition to amounts otherwise available, there is appropriated to the District of Columbia for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for the procurement of electric vehicles and related infrastructure for the District of Columbia and the management and acquisition of such electric vehicles and infrastructure.

SEC. 80009. FUNDING FOR TECHNOLOGY MODERNIZATION FUND.

In addition to amounts otherwise available, there is appropriated to the Technology Modernization Fund for fiscal year 2022, out of

any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031.

SEC. 80010. FUNDING FOR GENERAL SERVICES ADMINISTRATION FEDERAL CITIZEN SERVICES FUND.

In addition to amounts otherwise available, there is appropriated to the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, to be deposited in the Federal Citizen Services Fund.

SEC. 80011. FUNDING FOR INFORMATION TECHNOLOGY OVERSIGHT AND REFORM (ITOR) ACCOUNT.

In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget's Information Technology Oversight and Reform (ITOR) account within the Executive Office of the President for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $350,000,000, to remain available until September 30, 2031.

TITLE IX—COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

SEC. 90001. DEPARTMENT OF COMMERCE REGIONAL INNOVATION.

In addition to amounts otherwise available, there is appropriated to the Department of Commerce 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, except that no amounts may be expended after September 30, 2031, for planning and establishment of regional innovation initiatives pursuant to the Stevenson-Wydler Act, and for related administrative expenses. Of the funds provided by this section for regional innovation initiatives, no fewer than one-third of grants or cooperative agreements awarded shall significantly benefit a State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation or a rural or other underserved community.

SEC. 90002. FUNDING FOR DEPARTMENT OF ENERGY LABORATORY INFRASTRUCTURE.

(a) OFFICE OF SCIENCE APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Science for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,391,804,000, to remain available until September 30, 2026, to carry out laboratory infrastructure projects, including—

(1) $7,780,566,000 for Construction Projects, of which—

(A) $220,000,000 shall be used for the Exascale Computing Project;

(B) $493,600,000 shall be used for the Frontier Exascale Computing System;

(C) $427,400,000 shall be used for the Aurora Exascale Computing System;

(D) $155,400,000 shall be used for upgrades to the National Energy Research Scientific Computing Center;

(E) $38,616,000 shall be used for the Energy Sciences Network;

(F) $157,000,000 shall be used for the Advanced Photon Source Upgrade;

(G) $729,800,000 shall be used for the Spallation Neutron Source Proton Power Upgrade and Second Target Station;

(H) $337,600,000 shall be used for the Advanced Light Source Upgrade;

(I) $472,850,000 shall be used for the Linac Coherent Light Source-II, including the High Energy Upgrade;

(J) $86,000,000 shall be used for the Cryomodule Repair and Maintenance Facility;

(K) $25,000,000 shall be used for the High Flux Isotope Reactor Pressure Vessel Replacement;

(L) $1,325,000,000 shall be used for United States contributions to the ITER project as authorized in section 972(c) of the Energy Policy Act of 2005 (42 U.S.C. 16312(c));

(M) $212,300,000 shall be used for the Matter in Extreme Conditions Upgrade;

(N) $581,000,000 shall be used for the Proton Improvement Plan-II project;

(O) $1,300,000,000 shall be used for the Long Baseline Neutrino Facility/Deep Underground Neutrino Experiment;

(P) $13,000,000 shall be used for the Muon to Electron Conversion Experiment;

(Q) $806,000,000 shall be used for the Electron Ion Collider;

(R) $213,000,000 shall be used for the Oak Ridge National Laboratory Radioisotope Processing Facility; and

(S) $187,000,000 shall be used for the United States Stable Isotope Production and Research Center;

(2) $1,470,238,000 for Major Items of Equipment, of which—

(A) $302,000,000 shall be used for the High Performance Data Facility;

(B) $90,000,000 shall be used for the Nanoscale Science Research Center Recapitalization project;

(C) $83,500,000 shall be used for the National Synchrotron Light Source-II Experimental Tools II project;

(D) $59,200,000 shall be used for the Material Plasma Exposure Experiment;

(E) $567,875,000 shall be used for such projects for the High Energy Physics program, including—

(i) $237,000,000 for the Cosmic Microwave Background-Stage 4 experiment; and

(ii) $223,875,000 for upgrades to the Large Hadron Collider; and

(F) $367,663,000 shall be used for such projects for the Nuclear Physics program, including $212,500,000 for the Ton-Scale Neutrinoless Double Beta Decay experiment; and

(3) $1,141,000,000 for Science Laboratories Infrastructure, of which—

(A) $111,500,000 shall be used for such projects at the Oak Ridge National Laboratory;

(B) $115,000,000 shall be used for such projects at the Thomas Jefferson National Accelerator Facility;

(C) $150,400,000 shall be used for such projects at the Princeton Plasma Physics Laboratory;

(D) $29,850,000 shall be used for such projects at the Ames Laboratory;

(E) $90,000,000 shall be used for such projects at the Brookhaven National Laboratory;

(F) $265,000,000 shall be used for such projects at the Lawrence Berkeley National Laboratory;

(G) $152,000,000 shall be used for such projects at the SLAC National Accelerator Laboratory;

(H) $100,000,000 shall be used for such projects at the Argonne National Laboratory; and

(I) $127,250,000 shall be used for such projects at the Fermi National Accelerator Laboratory.

(b) ENERGY EFFICIENCY AND RENEWABLE ENERGY APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $349,200,000, to remain available until September 30, 2026, to carry out laboratory infrastructure projects, of which—

(1) $163,000,000 shall be used for the Energy Materials and Processing at Scale project;

(2) $96,200,000 shall be used for the Advanced Research in Integrated Energy Systems initiative; and

(3) $90,000,000 shall be used for high-performance computing equipment and infrastructure.

(c) NUCLEAR ENERGY APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Nuclear Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $408,000,000, to remain available until September 30, 2026, to carry out laboratory infrastructure projects, of which—

(1) $66,000,000 shall be used for the Sample Preparation Laboratory;

(2) $125,000,000 shall be used for the Advanced Test Reactor and Materials and Fuel Complex Plant Health projects;

(3) $122,000,000 shall be used for the Advanced Test Reactor Recapitalization project; and

(4) $95,000,000 shall be used for the Versatile Test Reactor as authorized in section 955 of the Energy Policy Act of 2005 (42 U.S.C. 16275).

(d) FOSSIL ENERGY AND CARBON MANAGEMENT APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Fossil Energy and Carbon Management 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 activities to support high-performance computing equipment and infrastructure.

(e) GENERAL LABORATORY INFRASTRUCTURE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,080,996,000, to remain available until September 30, 2026, to carry out activities to support infrastructure at Department of Energy National Laboratories for civilian research and development purposes, including General Plant Projects and General Plant Equipment, of which—

(1) not less than $377,301,000 shall be available to the Office of Science;

(2) not less than $209,800,000 shall be available to the Office of Energy Efficiency and Renewable Energy;

(3) not less than $40,000,000 shall be available to the Office of Nuclear Energy;

(4) not less than $190,000,000 shall be available to the Office of Fossil Energy and Carbon Management; and

(5) not less than $102,200,000 shall be available to the Office of Environmental Management.

SEC. 90003. DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

(a) OFFICE OF SCIENCE APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Office of Science of the Department of Energy 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 carry out research and development activities. Of the funds provided by this section:

(1) COMPUTATIONAL SCIENCE GRADUATE FELLOWSHIP.—$116,000,000 shall be used to carry out the Department of Energy Computational Science Graduate Fellowship program.

(2) QUANTUM USER EXPANSION FOR SCIENCE AND TECHNOLOGY.—$340,000,000 shall be used to carry out activities to facilitate access of researchers to United States quantum computing facilities for research purposes as part of the program authorized in title IV of the National Quantum Initiative Act (15 U.S.C. 8851 et seq.).

(3) LOW-DOSE RADIATION RESEARCH.—$180,000,000 shall be used to carry out the activities of the low-dose radiation research program authorized in section 306(c) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(c)).

(4) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—$250,000,000 shall be used to carry out the activities of the fusion materials research and development program authorized in section 307(b) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(b)).

(5) INERTIAL FUSION RESEARCH AND DEVELOPMENT.—$140,000,000 shall be used to carry out the activities of the program of research and technology development in inertial fusion for energy applications authorized in section 307(d) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(d)).

(6) ALTERNATIVE AND ENABLING FUSION ENERGY CONCEPTS.—$275,000,000 shall be used to carry out the activities of the al-

ternative and enabling fusion energy concepts program authorized in section 307(e) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(e)).

(7) MILESTONE-BASED FUSION ENERGY DEVELOPMENT PROGRAM.—$325,000,000 shall be used to carry out the activities of the milestone-based fusion energy development program authorized in section 307(i) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(i)).

(8) FUSION REACTOR SYSTEM DESIGN.—$250,000,000 shall be used to carry out the fusion reactor system design activities authorized in section 307(j) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(j)).

(b) ENERGY EFFICIENCY AND RENEWABLE ENERGY APPROPRIATION.—

(1) DEMONSTRATION PROJECTS.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,107,500,000, to remain available until September 30, 2026, to carry out demonstration projects, including demonstration of advanced—

(A) wind energy technologies as authorized in section 3003 of the Energy Act of 2020 (42 U.S.C. 16237);

(B) solar energy technologies as authorized in section 3004 of the Energy Act of 2020 (42 U.S.C. 16238), including technologies and processes to encourage the domestic production of materials, semiconductors, and other components at all stages of the solar supply chain;

(C) geothermal technologies as authorized in section 615 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194);

(D) water power technologies as authorized in sections 634 and 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213 et al.);

(E) vehicle technologies;

(F) bioenergy technologies, including biofuels; and

(G) building technologies.

(2) CLEAN ENERGY MANUFACTURING INNOVATION INSTITUTE.—In addition to amounts otherwise available, there is appropriated to the Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $70,000,000, to remain available until September 30, 2026, to carry out activities to support one new Clean Energy Manufacturing Innovation Institute.

(c) NUCLEAR ENERGY APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Nuclear Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $52,500,000, to remain available until September 30, 2026, to carry out the activities of the research reactor infrastructure program as authorized in section 954(a) of the Energy Policy Act of 2005 (42 U.S.C. 16274(a)).

(d) FOSSIL ENERGY AND CARBON MANAGEMENT APPROPRIATION.—In addition to amounts otherwise available, there is appropriated

to the Department of Energy Office of Fossil Energy and Carbon Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2026, to carry out on-site demonstration projects on the reduction of environmental impacts of produced water.

(e) DIVERSITY SUPPORT.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Economic Impact and Diversity for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to support programs across the Department's civilian research, development, demonstration, and commercial application activities.

(f) OVERSIGHT.—In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this title.

SEC. 90004. ENVIRONMENTAL PROTECTION AGENCY CLIMATE CHANGE RESEARCH AND DEVELOPMENT.

In addition to amounts otherwise made available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $264,000,000 to remain available until September 30, 2026, to conduct environmental research and development activities related to climate change, including related administrative expenses. The amounts made available in this section shall be used for the purposes of—

(1) conducting further research on mitigation of climate forcing emissions, adaptation to reduce the impacts of climate change, and approaches to build resilience to climate change;

(2) providing increased support for evidence-based regional and community climate adaptation and resilience actions, including development of a grants-based regional climate science network;

(3) conducting further social science research to upgrade the utilization and efficacy of scientific tools to mitigate, adapt, and build resilience to the impacts of climate change;

(4) increasing engagement capacity with frontline communities with environmental justice concerns in translating, utilizing, and evaluating scientific research results;

(5) conducting further research to improve understanding of impacts of decarbonized energy sources compared to existing energy sources, including cumulative impacts of pollution from existing sources;

(6) conducting further research to improve understanding of the impacts of the transition to decarbonized energy, transportation, and building sectors on frontline communities;

(7) conducting further research to improve understanding of impacts of climate change, including cumulative impacts of pol-

lution exposure, in communities that face disproportionate impacts from energy transitions; and

(8) providing increased support to conduct further environmental research and development activities on climate change that the Administrator deems appropriate.

SEC. 90005. FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANTS.

In addition to amounts otherwise available, there is appropriated to the Federal Emergency Management Agency for Fiscal Year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $798,000,000, for Assistance to Firefighters Grants pursuant to the Federal Fire Prevention and Control Act of 1974: *Provided*, That $718,000,000 of such amount shall be available for Assistance to Firefighters Grants for fire and EMS department facility construction, upgrades, and modifications, and for related administrative expenses: *Provided further*, That $80,000,000 of such amount shall be available for Assistance to Firefighters Grants for PFAS-free personal protective equipment and PFAS-free firefighting foam, and for related administrative expenses.

SEC. 90006. FIREFIGHTER GRANT OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Department of Homeland Security for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for oversight by the Department of Homeland Security Office of Inspector General of the activities for which funding is appropriated in section 90005.

SEC. 90007. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION INFRASTRUCTURE.

In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000 to remain available until September 30, 2026, for repair, recapitalization, and modernization of physical infrastructure and facilities, including related administrative expenses, consistent with the responsibilities authorized under section 31502 of title 51, United States Code, on maintenance of facilities and section 31503 of title 51, United States Code, on laboratory productivity.

SEC. 90008. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION CLIMATE CHANGE RESEARCH AND DEVELOPMENT.

In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $388,000,000 to remain available until September 30, 2026, of which $85,000,000 shall be for research and development on subseasonal to seasonal models and observations, climate resilience and sustainability, and airborne instruments, campaigns, and surface networks to understand, observe, and mitigate global climate change and its impacts, including related administrative expenses, authorized under section 60501 of title 51, United

States Code, and research and development activities on upper atmospheric research authorized under sections 20161, 20163, and 20164 of title 51, United States Code; $28,000,000 shall be for investments in data management and processing to support research, development, and applications to understand, observe, and mitigate the global climate change and its impacts consistent with the responsibilities authorized under section 60506 of title 51, United States Code; $50,000,000 shall be for research and development to support the wildfire community and improve wildfire fighting operations, including the Scalable Traffic Management for Emergency Response Operations project; and $225,000,000 shall be for advancing aeronautics research and development on sustainable aviation, including sustainable aviation biofuels, including related administrative expenses, consistent with the responsibilities authorized under sections 40701 and 40702 of title 51, United States Code.

SEC. 90009. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OVERSIGHT AND CYBERSECURITY.

In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for information technology security and cybersecurity activities for which funding is appropriated under sections 90007 and 90008. In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the Office of Inspector General to provide oversight over the management of funds appropriated under sections 90007 and 90008.

SEC. 90010. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,195,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for scientific and technical research pursuant to the National Institute of Standards and Technology Act, for artificial intelligence (including AI safety and control), cybersecurity, quantum information science and technology, biotechnology, communications technologies, advanced manufacturing, resilience to natural hazards including wildfires, greenhouse gas and other climate-related measurement, and for related administrative expenses: *Provided,* That $150,000,000 shall be available for cybersecurity research and activities.

SEC. 90011. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SUPPORTING AMERICAN MANUFACTURING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury

not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, of which—

(1) $1,000,000,000 shall be for the Hollings Manufacturing Extension Partnership as authorized by sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k; 278l), including related administrative expenses;

(2) $850,000,000 shall be to provide funds, through existing programs, for advanced manufacturing research, development, and testbeds, including related administrative expenses; and

(3) $150,000,000 shall be for the creation of a new Manufacturing USA Institute that is focused on semiconductor manufacturing.

(b) LIMITATION.—Amounts provided under subsection (a)(1) shall not be subject to cost share requirements under section 25(e)(2) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(e)(2)). The authority made available pursuant to this preceding sentence shall be elective for any Manufacturing Extension Partnership Center that also receives funding from a State that is conditioned upon the application of a Federal cost sharing requirement.

SEC. 90012. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH FACILITIES.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for necessary expenses as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c-278e) for construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities.

SEC. 90013. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for oversight by the Department of Commerce Office of Inspector General of National Institute of Standards and Technology activities for which funding is appropriated in this title.

SEC. 90014. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WEATHER, OCEAN, AND CLIMATE RESEARCH AND FORECASTING.

In addition to amounts otherwise made 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, $1,240,000,000, to remain available until September 30, 2026, to carry out the provisions of the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.), the National Integrated Drought Information System Act (15 U.S.C. 313d), the National Climate Program Act (15 U.S.C. 2901–2908.),

the Harmful Algal Bloom and Hypoxia Research and Control Act (33 U.S.C. 4001–4010), the Federal Ocean Acidification Research and Monitoring Act (33 U.S.C. 3701–3708), title III of the America COMPETES Act (33 U.S.C. 893, 893a, 893b, and 893c), and the Weather Service Organic Act (15 U.S.C. 313 et seq.). The amounts in this section shall be used for the purposes of—

(1) increasing the understanding, and predictive and forecasting capabilities, of weather and climate phenomena including, but not limited to, hurricanes, tornadoes, drought, wildland fires and associated fire weather, extreme precipitation, extreme heat and extreme heat events, flooding, and other severe weather, and their impacts;

(2) increasing marine research capacity and the understanding of the impacts of climate change on ocean processes and phenomena including, but not limited to, ocean acidification, harmful algal blooms, hypoxia and deoxygenation, sea level change, and ocean warming;

(3) enhancing weather, ocean, climate, and other environmental observations, research, data, data assimilation, and modeling;

(4) facilitating successful transition of research into operations and operations to research, including social science for improved decision support services;

(5) acquiring related high-performance computing, data management, and storage assets; and

(6) developing, leveraging, and employing new capabilities, technologies and instruments, including dissemination and processing.

SEC. 90015. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CLIMATE ADAPTATION AND RESILIENCE ACTIVITIES.

(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, $765,000,000 to remain available until September 30, 2026, to carry out the provisions of the National Climate Program Act (15 U.S.C. 2901–2908), the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.), title III of the America COMPETES Act (33 U.S.C. 893, 893a, 893b, and 893c), the National Integrated Drought Information System Act (15 U.S.C. 313d), the Weather Service Organic Act (15 U.S.C. 313 et seq.), the Harmful Algal Bloom and Hypoxia Research and Control Act (33 U.S.C. 4001–4010), and the Federal Ocean Acidification Research and Monitoring Act (33 U.S.C. 3701–3708) to develop and distribute actionable climate information for communities across all States, territories, and Tribal lands of the United States in an equitable manner, to build climate resilience and develop a climate-ready workforce.

(b) USE OF FUNDS.—The amounts made available in subsection (a) shall be used for the following activities:

(1) $265,000,000 to better enable end users, as appropriate, to assess the relative risk of, determine possible adaptation and mitigation strategies for, and make executive and budgetary decisions in response to climate impacts by—

(A) increasing end user understanding of the impacts of climate change at the local and regional level;

(B) developing actionable climate information and accessible tools and products; and

(C) providing end users with technical assistance.

(2) $500,000,000 to recruit, educate, and train a climate-ready workforce to—

(A) develop and support on-the-ground community-driven projects to enhance climate adaptation and resilience;

(B) support community engagement and participation in monitoring, tracking, and preparing for extreme events;

(C) support local resilience to climate impacts;

(D) conduct community-driven climate science; and

(E) enhance the National Oceanic and Atmospheric Administration's delivery of climate information services, tools, and products, including but not limited to those developed in paragraph (1)(B).

(c) END USERS.—For the purposes of this section, the term "end users" shall include—

(1) States;

(2) territories;

(3) Tribes;

(4) local governments;

(5) businesses;

(6) not-for-profit or other organizations; and

(7) individuals.

(d) EXTREME EVENT.—For the purposes of this section, the term "extreme event" refers to a time and place in which weather, climate, or environmental conditions, such as temperature, precipitation, drought, or flooding, rank above a threshold value near the upper or lower ends of the range of historical measurements.

SEC. 90016. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION HIGH PERFORMANCE COMPUTING.

In addition to amounts otherwise made 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, $70,000,000 to remain available until September 30, 2026, to procure and enhance high performance computing, data management, and storage capabilities, and related facilities to enable the National Oceanic and Atmospheric Administration to meet its mission requirements, including related administrative expenses.

SEC. 90017. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PHASED ARRAY RADAR.

In addition to amounts otherwise made 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, $224,000,000 to remain available until September 30, 2026, to carry out the provisions of the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.) for research and development activities to advance the understanding of phased array radar as a potential future radar technology to improve weather forecasts.

SEC. 90018. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION HURRICANE HUNTER AIRCRAFT.

In addition to amounts otherwise made 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, $1,024,000,000 to remain available until September 30, 2026, to carry out the provisions of the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.) for the procurement of hurricane hunters and related expenses, and the development and acquisition of airborne phased array radar, to prepare for fleet readiness by fiscal year 2030.

SEC. 90019. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION UNCREWED SYSTEMS.

In addition to amounts otherwise made 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, $12,000,000 to remain available until September 30, 2026, to support uncrewed systems development and application in support of National Oceanic and Atmospheric Administration mission priorities including oceanic and atmospheric research and research to operations, including related administrative expenses.

SEC. 90020. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH INFRASTRUCTURE.

In addition to amounts otherwise made 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, $743,000,000 to remain available until September 30, 2026, to conduct deferred maintenance of meteorological, hydrological, climatological, and other oceanic and atmospheric research and development or operational facilities, and to make improvements to scientific equipment and instruments, including related administrative expenses.

SEC. 90021. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SPACE WEATHER.

In addition to amounts otherwise made 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, $173,000,000, to remain available until September 30, 2026, to carry out the provisions of the Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow (PROSWIFT) Act (51 U.S.C. 60601 et seq.) by accelerating the development and delivery of instruments and spacecraft, and prioritizing an independent launch for the Space Weather Next Lagrange point 1 mission, including related administrative expenses.

SEC. 90022. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Department of Commerce 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 oversight by the Department of Commerce Office of Inspector General of National Oce-

anic and Atmospheric Administration activities for which funding is appropriated in this title.

SEC. 90023. NATIONAL SCIENCE FOUNDATION INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,430,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for research-enabling equipment, facilities, and infrastructure, including mid-scale research infrastructure, Antarctic infrastructure modernization, related Federal administrative expenses and additional major research equipment and facilities construction projects approved by the National Science Board as required under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4): *Provided*, That $1,000,000,000 shall be for activities authorized by title II of Public Law 100–570 for academic research facilities modernization, which may include shore-side facilities for academic research vessels, of which $300,000,000 shall be for academic research facilities modernization at historically Black colleges and universities, Hispanic serving institutions, Tribal colleges and universities, and other minority serving institutions: *Provided further*, That not less than 20 percent of the funds made available in this section shall be for research-enabling equipment, facilities, and infrastructure projects located in a State or territory that is eligible to receive funding from the Established Program to Stimulate competitive Research as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g).: *Provided further,* That $25,000,000 shall be for the Office of the Chief of Research Security Strategy and Policy for research security activities.

SEC. 90024. NATIONAL SCIENCE FOUNDATION RESEARCH AND DEVELOPMENT.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,550,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to fund or extend new and existing research awards, scholarships, and fellowships across all science, technology, engineering, and mathematics (STEM) and STEM education disciplines, to fund use-inspired and translational research and development awards, entrepreneurial education, and technology transfer activities, to extend existing research awards and scholarships and fellowships to aid in the recovery from COVID-19 related disruptions, and for related administrative expenses: *Provided*, That $400,000,000 shall be available for climate change research, including relating to wildfires: *Provided further*, That $700,000,000 shall be available for research and related activities at historically Black colleges and universities, Tribal colleges and universities, Hispanic serving institutions, and other minority serving institutions.

SEC. 90025. NATIONAL SCIENCE FOUNDATION OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the National Science Founda-

tion for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for oversight, investigations, and audits of programs, grants, and projects carried out by the National Science Foundation using funds under this title.

SEC. 90026. WAGE RATE REQUIREMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, all laborers and mechanics employed by contractors and subcontractors on any project funded directly or assisted in whole or in part by the Federal Government pursuant to this title shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act").

(b) AUTHORITY.—With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 90027. FORCED LABOR PROHIBITION.

None of the funds provided in this title may be used in awarding a contract, subcontract, grant, or loan to an entity that is listed pursuant to section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145).

TITLE X—COMMITTEE ON SMALL BUSINESS

SEC. 100001. DEFINITIONS.

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Increasing Federal Contracting Opportunities for Small Businesses

SEC. 100101. VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP TRAINING PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $5,000,000 for each of fiscal years 2022 through 2028 for carrying out subsection (h) of section 32 of the Small Business Act (15 U.S.C. 657b), as added by this section. Amounts appropriated by this subsection shall remain available for 3 fiscal years.

(b) ESTABLISHMENT.—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

"(h) VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP TRAINING PROGRAM.—The Administrator, acting through the Associate Administrator, shall make grants to, or enter into cooperative agreements with nonprofit entities to operate a Federal procurement entrepreneurship training program to provide assistance to small business concerns owned and controlled by veterans regarding how to increase the likelihood of being awarded contracts with the Federal Government. A grant or cooperative agreement under this subsection—

"(1) shall be made to or entered into with nonprofit entities that have a track record of successfully providing educational and job training services to targeted veteran populations from diverse locations;

"(2) shall include terms under which the nonprofit entities may, at the discretion of the Administrator, be required to match any Federal funds received for the program with State, local, or private sector funds; and

"(3) shall include terms under which the nonprofit entities shall use a diverse group of professional service experts, such as Federal, State, and local contracting experts and private sector industry experts with first-hand experience in Federal Government contracting, to provide assistance to small business concerns owned and controlled by veterans.".

SEC. 100102. EXPANDING SURETY BOND PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration 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 additional capital for the fund established under section 412 of the Small Business Investment Act of 1958 (15 U.S.C. 694c).

(b) EXPANDING SURETY BOND PROGRAM.—Part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.) is amended—

(1) in section 411 (15 U.S.C. 694b)—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking "$6,500,000" and inserting "$10,000,000"; and

(ii) by amending subparagraph (B) to read as follows:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract entered into by a Federal agency in an amount that does not exceed $20,000,000."; and

(B) in subsection (e)(2), by striking "$6,500,000" and inserting "the amount described in subparagraph (A) or (B) of subsection (a)(1), as applicable"; and

(2) in section 412 (15 U.S.C. 694c)—

(A) in subsection (a), in the third sentence, by striking ", excluding administrative expenses,";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) Not more than 15 percent of the amount that is in the fund described in subsection (a) on the first day of each fiscal year may be obligated during that fiscal year to cover costs incurred by the Administration in connection with the management and administration of this part, including costs related to information technology and systems, personnel, outreach activities, and relevant contracts.".

SEC. 100103. UPLIFT ACCELERATOR PROGRAM; BUSINESS DEVELOPMENT ACADEMY.

(a) UPLIFT ACCELERATOR PROGRAM.—

(1) APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 to remain available until September 30, 2031, to carry out subparagraph (K) of section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), as added by this subsection; and

(B) SET ASIDE.—Of amounts made available under subparagraph (A), not more than 15 percent may be used by the Administrator for administrative expenses and costs related to monitoring and oversight.

(2) ESTABLISHMENT.—Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)) is amended by adding at the end the following:

"(K) UPLIFT ACCELERATOR PROGRAM.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) ACCELERATOR.—The term 'accelerator' means an organization—

"(aa) that provides mentorship and other support to growing, startup, and newly established small business concerns; and

"(bb) offers startup capital or the opportunity to raise capital from outside investors to growing, startup, and newly established small business concerns.

"(II) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(aa) a historically black college or university;

"(bb) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, which primarily educates students who are Black or African American, Hispanic or Latino, American Indian, Alaska Native, Asian, Native Hawaiian, or other Pacific Islander; or

"(cc) a junior or community college, as defined in section 312 of the Higher Education Act of 1965.

"(III) ELIGIBLE SMALL BUSINESS CONCERN.—The term 'eligible small business concern' means a small business concern—

"(aa) located in a HUBZone, as defined in section 31(b);

"(bb) owned and controlled by a resident of a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986;

"(cc) owned and controlled by a resident of a low-income rural community;

"(dd) owned and controlled by a member of an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

"(ee) owned and controlled by a Native Entity;

"(ff) owned and controlled by an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990; or

"(gg) otherwise identified by the Administrator.

"(IV) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a 'part B institution', as defined under section 322 of the Higher Education Act of 1965.

"(V) INCUBATOR.—The term 'incubator' means an organization—

"(aa) that provides mentorship and other support to growing, startup, and established small business concerns; and

"(bb) that may provide a co-working environment or a month-to-month lease program.

"(VI) NATIVE ENTITY.—The term 'Native Entity' means—

"(aa) an Indian tribe, including an Alaska Native village or Regional or Village Corporation, as defined in section 4 of the Indian Self-Determination and Education Assistance Act; and

"(bb) a Native Hawaiian organization, as that term is defined in section 6207 of the Elementary and Secondary Education Act of 1965.

"(ii) USE OF FUNDS.—The Administrator is authorized to establish a competitive grant program to make grants to eligible entities to establish accelerators or incubators to support eligible small business concerns in developing—

"(I) business readiness, including by providing services such as accounting, organization, human resources, and legal assistance;

"(II) growth readiness, including assistance to build past performance and relationships with prime contractors;

"(III) readiness to submit bids for prime contracts, including assistance in developing skills, conducting market research, and drafting capability statements and proposals; or

"(IV) global readiness, including assistance in establishing long-term, additional revenue streams outside of the United States.

"(iii) ACQUISITION AUTHORITIES.—The Administrator shall identify acquisition authorities under which eligible small business concerns assisted under this subparagraph may enter into contracts or agreements with Federal agencies.

"(iv) AMOUNT.—During the period beginning on the date of the enactment of this subparagraph and ending not later than 10 years after such date, the Administrator shall award not more than an aggregate total of $1,000,000,000 in grants to eligible entities under this subparagraph.".

(b) BUSINESS DEVELOPMENT ACADEMY.—

(1) APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $725,000,000 to remain available until September 30, 2031, to carry out subparagraph (L) of section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), as added by this subsection.

(B) SET ASIDE.—Of amounts made available under subparagraph (A), not more than 15 percent may be used by the Administrator for administrative expenses and costs related to monitoring and oversight.

(2) ESTABLISHMENT.—Section 7(j)(10) of the Small Business Act (15 U.S.C. 636(j)(10)), as amended by subsection (a), is further amended by adding at the end the following:

"(L) BUSINESS DEVELOPMENT ACADEMY.—

"(i) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' has the meaning given in subparagraph (K)(i).

"(ii) USE OF FUNDS.—The Administrator is authorized to establish a competitive grant program to make grants to eligible entities to support Program Participants.

"(iii) DUTIES OF ELIGIBLE ENTITIES.—An eligible entity that receives a grant under this subparagraph shall use such grant to—

"(I) develop and establish a foundational 12-month executive mentoring and training program for small business concerns described in clause (ii);

"(II) recruit and enroll participants in the program described in subclause (I), including by providing incentives for participation;

"(III) develop certification programs for eligible entities based on proven best practices of the Administration; and

"(IV) conduct research into the effectiveness of the program described in clause (iv)(I).

"(iv) AMOUNT.—During the period beginning on the date of the enactment of this subparagraph and ending not later than 10 years after such date, the Administrator shall award not more than an aggregate total of $725,000,000 in grants to eligible entities under this subparagraph.".

SEC. 100104. PATHWAY TO PRIME GRANT PROGRAM.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(A) $75,000,000 to carry out subsection (b)(1) of section 49 of the Small Business Act, as added by subsection (b); and

(B) $450,000,000 to carry out subsection (b)(2) of section 49 of the Small Business Act, as added by subsection (b).

(2) SET ASIDE.—Of the amount made available to carry out this section for any fiscal year, not more than 15 percent may be used by the Administrator for administrative expenses.

(b) ESTABLISHMENT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 55; and

(2) by inserting after section 48 the following:

"SEC. 49. PATHWAY TO PRIME GRANT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a historically black college or university; or

"(B) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, which primarily educates students who are Black or African American, Hispanic or Latino, American Indian, Alaska Native, Asian, Native Hawaiian, or other Pacific Islander.

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' has the meaning given the term 'part B institution' under section 322 of the Higher Education Act of 1965.

"(3) PATHWAY FIRM.—The term 'pathway firm' means a small business concern that is—

"(A) a subcontractor of the Federal Government;

"(B) a contractor or subcontractor of a State, local, or tribal government, including such contractor or subcontractor for a project funded by the CARES Act (Public Law

116–136), the American Rescue Plan Act of 2021 (Public Law 117–2), or an Act providing funds for infrastructure that is enacted during the 117th Congress (as determined by the Administrator).

"(b) ESTABLISHMENT.—The Administrator shall establish a program to assist pathway firms to become prime contractors of the Federal Government by—

"(1) making competitive grants to eligible entities to establish a national contracting and subcontracting network and database of pathway firms and grantees under paragraph (2) to track and connect pathway firms with Federal prime contracting opportunities based on the record of the pathway firm in competing for and obtaining—

"(A) prime contracts or contracts with Federal, State, local, or tribal governments;

"(B) subcontracts with Federal prime contractors; and

"(C) subcontracts from State, local, or tribal governments participating in projects funded by the CARES Act (Public Law 116–136), the American Rescue Plan Act of 2021 (Public Law 117–2), or an Act providing funds for infrastructure that is enacted during the 117th Congress (as determined by the Administrator; and

"(2) making competitive grants to not fewer than 20 State or local governments or federally recognized Tribal governments to—

"(A) participate in the national small business contracting network established in paragraph (1); and

"(B) assist pathway firms within the geographic regions served by those governments.

"(c) USE OF FUNDS.—A recipient of a grant made under this section shall—

"(1) provide resources to enable pathway firms to gain the experience and capabilities necessary to compete for and obtain prime contracts;

"(2) facilitate engagement between pathway firms and Federal, State, local, or tribal governments;

"(3) work with the Administration to ensure that prime contractors with subcontracting plans under section 8(d) meet the requirements of those plans;

"(4) work with the Administration to maximize opportunities for small business concerns to obtaining subcontracts from State, local, or tribal governments participating in projects funded by the CARES Act (Public Law 116–136), the American Rescue Plan Act of 2021 (Public Law 117–2), or an Act providing funds for infrastructure that is enacted during the 117th Congress (as determined by the Administrator); and

"(5) make publicly available data to advocate for best practices and policies that promote small business concerns as prime contractors of the Federal Government.".

Subtitle B—Empowering Small Business Creation and Expansion in Underrepresented Communities

SEC. 100201. GRANTS FOR BUSINESS INCUBATORS.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, for carrying out section 50 of the Small Business Act, as added by subsection (b).

(2) SET ASIDE.—Of the amounts made available under this subsection for a fiscal year, not more than 15 percent shall be available for administrative expenses and costs related to monitoring and oversight.

(b) ESTABLISHMENT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 49, as added by section 10104, the following:

"SEC. 50. GRANTS FOR BUSINESS INCUBATORS.

"(a) DEFINITIONS.—In this section:

"(1) BUSINESS INCUBATOR.—The term 'business incubator' means an organization that—

"(A) provides resources, which may include physical workspace and facilities, to startups and established small business concerns;

"(B) is designed to accelerate the growth and success of small business concerns through a variety of business support resources and services, including—

"(i) access to capital, business education, and counseling;

"(ii) networking opportunities;

"(iii) mentorship opportunities; and

"(iv) other services intended to aid in developing a business.

"(2) ECONOMIC DEVELOPMENT ORGANIZATION.—The term 'economic development organization'—

"(A) means a regional, State, tribal, or local private nonprofit organization established for purposes of promoting or otherwise facilitating economic development; and

"(B) includes community financial institutions, as defined in section 7(a)(36)(A).

"(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) an economic development organization;

"(B) an eligible entity, as defined in section 7(j)(10)(K)(i)(II);

"(C) an SBA partner organization; or

"(D) any entity that provides support to startups and small business concerns, as determined by the Administrator.

"(4) ELIGIBLE SMALL BUSINESS CONCERN.—The term 'eligible small business concern' means a business concern that—

"(A) is organized or incorporated in the United States;

"(B) is operating primarily in the United States;

"(C) meets—

"(i) the applicable industry-based size standard established under section 3; or

"(ii) the alternate size standard applicable to the program under section 7(a) or the loan programs under title V of the Small Business Investment Act of 1958;

"(D) is in the planning stages or has been in business for not more than 5 years as of the date on which assistance under this section commences; and

"(E) is—

"(i) owned and controlled by 1 or more members of an underrepresented community; or

"(ii) a Native Entity, as defined in section 7(j)(10)(K)(i).

"(5) MEMBER OF AN UNDERREPRESENTED COMMUNITY.—The term 'member of an underrepresented community' means an individual who is—

"(A) a resident of—

"(i) a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986;

"(ii) a low-income rural community; or

"(iii) a HUBZone, as defined in section 31(b);

"(B) a member of an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

"(C) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

"(D) a veteran;

"(E) an individual who completed a term of imprisonment; or

"(F) otherwise identified by the Administrator.

"(6) SBA PARTNER ORGANIZATION.—The term 'SBA partner organization' means any organization awarded financial assistance in the form of a grant, cooperative agreement, or contract for the purpose of conducting a public project funded, either in whole or in part, under a program of the Administration.

"(b) AUTHORITY.—The Administrator may provide financial assistance on a competitive basis in the form of a grant, prize, cooperative agreement, or contract for an eligible applicant to provide the services of a business incubator to eligible small business concerns.

"(c) USE OF FUNDS.—An eligible applicant that receives assistance under this section shall support areas that serve members of an underrepresented community and provide services that shall—

"(1) be carried out in such areas as to provide maximum accessibility and benefits to the eligible small business concerns that the project is intended to serve; and

"(2) not impose or otherwise collect a fee or other compensation from eligible small business concerns in connection with such services.

"(d) ONE OR MORE BUSINESS INCUBATORS.—An eligible applicant that receives financial assistance under this section may share such assistance among one or more business incubators to expand access to resources, information, and best practices.

"(e) AWARD AMOUNT.—An award of financial assistance under this section shall be for not more than $1,250,000 for each fiscal year for which the award is granted.

"(f) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible applicant or order the eligible applicant to return any assistance provided under this section for failure to abide by the terms and conditions of such assistance.".

SEC. 100202. OFFICE OF NATIVE AMERICAN AFFAIRS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $2,000,000 for each of fiscal years 2022 through 2031 for carrying out section 51 of the Small Business Act, as added by subsection (b). Amounts appropriated by this subsection shall remain available until September 30, 2031.

(b) ESTABLISHMENT.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 50, as added by section 10201 of this title, the following:

"SEC. 51. OFFICE OF NATIVE AMERICAN AFFAIRS.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act.

"(2) NATIVE AMERICAN.—The term 'Native American' means a member of an Indian Tribe.

"(3) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian Organization' has the meaning given in section 6207 of the Elementary and Secondary Education Act of 1965.

"(4) RESOURCE PARTNERS.—The term 'resource partners' means—

"(A) small business development centers;

"(B) women's business centers described in section 29;

"(C) chapters of the Service Corps of Retired Executives established under section 8(b)(1)(B); and

"(D) Veteran Business Outreach Centers described in section 32.

"(b) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs, in this section referred to as the 'Office', which shall provide entrepreneurship outreach and development assistance to Native Americans, Native Hawaiian Organizations and members thereof, and Indian Tribes, through the Native American Outreach Program established under subsection (c).

"(c) NATIVE AMERICAN OUTREACH PROGRAM.—

"(1) ESTABLISHMENT.—The Administrator shall establish and administer a Native American Outreach Program within the Office—

"(A) to ensure that small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, and Indian Tribes, and Native American entrepreneurs have access to programs and services of the Administration;

"(B) to provide information to State, local, and tribal governments and other interested persons about Federal assistance available to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, and Indian Tribes, and Native American entrepreneurs; and

"(C) to ensure access to in-person and virtual counseling and training services to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, and Indian Tribes, and Native American entrepreneurs.

"(2) SERVICES.—The services described in paragraph (1) shall include—

"(A) financial education on applying for and securing credit, loan guarantees, surety bonds, and investment capital, managing financial operations, and preparing and presenting financial statements and business plans;

"(B) education on management of a small business concern, including planning, organizing, staffing, and marketing;

"(C) identifying domestic and international market opportunities; and

"(D) implementing economic and business development strategies to improve long-term job growth.".

SEC. 100203. OFFICE OF RURAL AFFAIRS.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $2,000,000 for each of fiscal years 2022 through 2031 for carrying out this section. Amounts appropriated by this subsection shall remain available until September 30, 2031.

(2) SET ASIDE.—Of the amounts made available under this subsection for a fiscal year, not more than 15 percent shall be available for administrative expenses related to carrying out this section.

(b) OFFICE OF RURAL AFFAIRS.—Section 26 of the Small Business Act (15 U.S.C. 653) is amended by adding at the end the following:

"(d) RURAL SMALL BUSINESS CONFERENCES.—

"(1) IN GENERAL.—The Office shall administer 1 or more annual Rural Small Business Conferences, to be held in various regions of the United States. The purpose of such Conferences shall be to—

"(A) promote policies and programs of the Administration specific to small business concerns located in rural

areas, and make publicly available information about such policies and programs;

"(B) coordinate with all offices of the Administration, resource partners, lenders, and other interested persons to ensure that the needs of small business concerns located in rural area are being met; and

"(C) analyze data on the effectiveness of programs of the Administration that benefit small business concerns located in rural areas.".

SEC. 100204. OFFICE OF EMERGING MARKETS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $2,000,000 for each of fiscal years 2022 through 2031 for carrying out subsection (o) of section 7 of the Small Business Act (15 U.S.C. 636), as added by subsection (b). Amounts appropriated by this subsection shall remain available until September 30, 2031.

(b) ESTABLISHMENT.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

"(o) OFFICE OF EMERGING MARKETS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'Director' means the Director of the Office of Emerging Markets;

"(B) the term 'microloan program' means the program described in subsection (m);

"(C) the term 'small business concern in an emerging market' means a small business concern—

"(i) that is located in—

"(I) a low-income or moderate-income area for purposes of the Community Development Block Grant Program under title I of the Housing and Community Development Act of 1974; or

"(II) a HUBZone, as that term is defined in section 31(b);

"(ii) that is growing, newly established, or a startup;

"(iii) owned and controlled by veterans;

"(iv) owned and controlled by individuals with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990; or

"(v) owned and controlled by other individuals or groups identified by the Administrator.

"(2) ESTABLISHMENT.—There is established within the Office of Capital Access of the Administration an office to be known as the 'Office of Emerging Markets', which shall be responsible for the planning, coordination, implementation, evaluation, and improvement of the efforts of the Administrator to enhance the economic well-being of small business concerns in an emerging market.

"(3) ADMINISTRATION.—The Office of Emerging Markets shall be administered by a Director, who shall—

"(A) create and implement strategies and programs that provide an integrated approach to the development of small business concerns in an emerging market;

"(B) review the effectiveness and impact of access to capital programs (including the microloan program) of the Administration and recommend policies on such programs with respect to small business concerns in an emerging market;

"(C) coordinate with the Office of Entrepreneurial Development and the Office of Veterans Business Development of the Administration to establish partnerships to advance the goal of improving the economic success of small business concerns in an emerging market;

"(D) consult with the Associate Administrator of the Office of Field Operations; and

"(E) coordinate the activities of—

"(i) the SBIC Working Group established under section 10404 of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14;

"(ii) the Office of Native American Affairs established under section 51; and

"(iii) the Office of Rural Affairs established under section 26.".

SEC. 100205. STATE TRADE EXPANSION PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $30,000,000 for each of fiscal years 2022 through 2025 for carrying out section 22(l) of the Small Business Act (15 U.S.C. 649(l)). Amounts appropriated by this subsection shall remain available for 3 fiscal years.

Subtitle C—Encouraging Small Businesses to Fully Engage in the Innovation Economy

SEC. 100301. GROWTH ACCELERATOR COMPETITION.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2031, for carrying out section 52 of the Small Business Act, as added by subsection (b).

(2) SET ASIDE.—Of the amounts made available under this subsection for a fiscal year, not more than 5 percent shall be available for administrative expenses related to carrying out this section.

(b) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 51, as added by section 10202 of this title, the following:

"SEC. 52. GROWTH ACCELERATOR COMPETITION.

"(a) DEFINITIONS.—In this section:

"(1) AWARD.—The term 'award' means a grant, prize, contract, cooperative agreement, or other cash or cash equivalent (as determined by the Administrator).

"(2) DISABILITY.—The term 'disability' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an eligible entity, as defined in section 49; or

"(B) an organization that is a growth accelerator located in the United States.

"(4) GROWTH ACCELERATOR.—The term 'growth accelerator' means an organization that—

"(A) supports new small business concerns that have a focus on technology, research, and development;

"(B) frequently provides, but is not exclusively designed to provide, seed investment in exchange for a small amount of equity;

"(C) works with a new small business concern for a predetermined amount of time;

"(D) provides mentorship and instruction to small business concerns to scale businesses; or

"(E) offers startup capital or the opportunity to raise capital from outside investors.

"(5) NEW SMALL BUSINESS CONCERN.—The term 'new small business concern' means a small business concern that has been in operation for not more than 5 years.

"(b) ESTABLISHMENT.—The Administrator shall make competitive awards of not less than $100,000 to eligible entities to accelerate the growth of new small business concerns by providing—

"(1) assistance to small business concerns with accessing capital and finding mentors and networking opportunities; and

"(2) advice to small business concerns, including advising on market analysis, company strategy, revenue growth, commercialization, and securing funding.

"(c) USE OF FUNDS.—An award under this section—

"(1) may be used by an eligible entity for construction costs, acquisition of physical workspace and facilities, and programmatic purposes to benefit new small business concerns; and

"(2) may not be used by an eligible entity to provide capital to new small business concerns directly or through the subaward of funds.

"(d) APPLICATION.—In making awards under this section, the Administrator shall establish an application process and selection criteria, which shall include—

"(1) assurances that the eligible entity will use such award to provide assistance for not less than 5 new small business concerns each year;

"(2) if located within 20 miles of a minority serving institution, proof of a referral or programmatic relationship between the eligible entity and such institution;

"(3) an assessment of the need for additional assistance for new small business concerns in the geographic area to be served by the eligible entity; and

"(4) other criteria, as determined by the Administrator.

"(e) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition

to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible entity or order the eligible entity to return an award made under this section for failure to abide by the terms and conditions of the award.".

SEC. 100302. BUILDING A NATIONAL INNOVATION SUPPORT ECOSYSTEM NETWORK.

(a) APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, for carrying out this section—

(A) $525,000,000 to carry out subsection (c)(1) of this section; and

(B) $150,000,000 to carry out subsection (c)(2) of this section.

(2) SET ASIDE.—Of the amounts made available under paragraph (1)(A) of this subsection for a fiscal year, not more than 5 percent shall be available for administrative expenses related to carrying out this section.

(b) DEFINITIONS.—In this section:

(1) BUSINESS INCUBATOR.—The term "business incubator" means an organization that—

(A) provides resources, which may include physical workspace and facilities, to startups and established small business concerns; and

(B) is designed to accelerate the growth and success of businesses through a variety of business support resources and services, including—

(i) access to capital, business education, and counseling;

(ii) networking opportunities;

(iii) mentorship opportunities; and

(iv) other services intended to aid in developing a business.

(2) ECONOMIC DEVELOPMENT ORGANIZATION.—The term "economic development organization" means a regional, State, tribal, or local organization established for purposes of promoting or otherwise facilitating economic development.

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

(A) an economic development organization;

(B) an eligible entity, as defined in section 7(j)(10)(K)(i) of the Small Business Act, as added by section 100103;

(C) a business incubator;

(D) a growth accelerator;

(E) an SBA partner organization, as defined in section 50 of the Small Business Act (as added by section 10201 of this title); or

(F) any combination or collaboration of the entities described in subparagraphs (A) through (E).

(4) ELIGIBLE BUSINESS.—The term "eligible business" means any innovative startup seeking to—

(A) participate in the SBIR and STTR programs described in section 9 of the Small Business Act (15 U.S.C. 638); or

(B) otherwise develop, through research and development, or commercialize advanced technologies.

(5) GROWTH ACCELERATOR.—The term "growth accelerator" has the meaning given the term in section 52 of the Small Business Act, as added by section 10301 of this title.

(6) INNOVATIVE STARTUP.—The term "innovative startup" means a science, technology, engineering, and math entrepreneur or small business concern that—

(A) was founded or commenced a trade or business not earlier than 5 years before receiving assistance under this section; and

(B) has a primary focus on the development or commercialization of advanced technologies.

(7) MEMBER OF AN UNDERREPRESENTED COMMUNITY.—The term "member of an underrepresented community" has the meaning given in section 50 of the Small Business Act, as added by section 10201 of this title.

(c) ESTABLISHMENT.—The Administrator shall—

(1) make grants or award prizes to, or enter into contracts or cooperative agreements with, eligible applicants to address the training, proposal development, mentoring, partnering, coordinating, networking, customer discovery, and business incubator and growth accelerator needs of eligible businesses to expand and accelerate the growth of eligible businesses; and

(2) facilitate fellowships and internships in the fields of science, technology, engineering, and mathematics, prioritizing members of an underrepresented community through partnerships with or supplemental grants or awards to provide opportunities at the undergraduate, graduate, and postdoctoral levels.

Subtitle D—Increasing Equity Opportunities for Small Manufacturers

SEC. 100401. INCREASING EQUITY INVESTMENT BY THE SBIC PROGRAM.

(a) VENTURE SMALL BUSINESS INVESTMENT COMPANY FACILITY.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, $9,500,000,000, to be deposited into the facility established under section 321 of the Small Business Investment Act of 1958, as added by paragraph (2).

(2) ESTABLISHMENT.—The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(A) in section 103 (15 U.S.C. 662)—

(i) in paragraph (9)(B)(iii)—

(I) in subclause (II), by striking "and" at the end;

(II) in subclause (III), by adding "and" at the end; and

(III) by adding at the end the following:

"(IV) funds obtained from any financial institution identified under section 302(b);"; and

(ii) in paragraph (10)—

(I) in subparagraph (A), by adding "and" at the end; and

(II) by striking subparagraphs (B) and (C) and inserting the following:

"(B) partnership interests purchased by the Administration, as described in section 321.";

(B) in section 302(a)(1) (15 U.S.C. 682(a)(1))—

(i) in subparagraph (A), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(C) $20,000,000, adjusted every 5 years for inflation, with respect to each licensee participating in the facility under section 321.";

(C) in section 303(b)(2)(B) (15 U.S.C. 683(b)(2)(B)), by striking "$350,000,000" and inserting "$400,000,000"; and

(D) in section 304—

"(e) Notwithstanding section 310(c)(6), a licensee under section 321 may, subject to regulations to be issued by the Administration, invest equity capital in investment funds which—

"(1) are majority controlled by members of an underrepresented community (as defined in section 50 of the Small Business Act);

"(2) receive annual assistance provided by such licensee; or

"(3) meet additional criteria as determined by the Administration."; and

(E) by adding at the end the following:

"SEC. 321. VENTURE SMALL BUSINESS INVESTMENT COMPANY FACILITY.

"(a) DEFINITIONS.—In this section:

"(1) COVERED INVESTMENTS.—The term 'covered investments' means investments in—

"(A) infrastructure, including—

"(i) roads, bridges, and mass transit;

"(ii) water supply and sewer;

"(iii) the electrical grid;

"(iv) broadband and telecommunications;

"(v) clean energy; or

"(vi) child care and elder care;

"(B) manufacturing;

"(C) low-income communities, as that term is defined in section 45D(e) of the Internal Revenue Code of 1986;

"(D) HUBZones, as defined in section 31(b) of the Small Business Act;

"(E) small business concerns owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published pur-

suant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

"(F) small business concerns owned and controlled by an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

"(G) small business concerns owned and controlled by a veteran; or

"(H) small business concerns identified by the Administrator as critical.

"(2) FACILITY.—The term 'facility' means the facility established under subsection (b).

"(3) PARTNERSHIP INTEREST.—The term 'partnership interest' means a limited partnership equity interest in a licensee purchased and held by the Administration under this section.

"(4) VENTURE SMALL BUSINESS INVESTMENT COMPANY.—The term 'venture small business investment company' means a private equity fund—

"(A) that makes early-stage venture capital investments in small business concerns approved to participate in the facility by the Administration; and

"(B) for which 75 percent of total financings shall be invested in covered investments, of which not more than 33 percent of such investments are in small business concerns in infrastructure or manufacturing.

"(b) ESTABLISHMENT AND ADMINISTRATION OF FACILITY.—

"(1) IN GENERAL.—The Administrator shall establish and carry out a facility to purchase partnership interests from venture small business investment companies.

"(2) ADMINISTRATION.—The facility shall be administered by the Administrator acting through the Associate Administrator described in section 201.

"(3) USE OF AMOUNTS.—The Administrator shall use amounts deposited in the facility to purchase partnership interests from venture small business investment companies.

"(4) BIFURCATION.—Losses to the Administration under this section—

"(A) shall not be offset by fees or any other charges on licenses not authorized by the Administration;

"(B) shall be borne solely by the facility; and

"(C) shall not be included in the calculation of the subsidy rate under section 303(j).

"(c) LICENSING MATTERS.—

"(1) IN GENERAL.—A venture small business investment company shall be licensed under section 301(c) and approved by the Administrator to issue partnership interests.

"(2) CONSIDERATION.—In issuing a license under paragraph (1), the Administrator shall take into consideration investment risk through criteria set by the Administrator.

"(d) REQUIRED INVESTMENTS.—

"(1) IN GENERAL.—Except as described in paragraph (2), a venture small business investment company shall invest solely in small business concerns.

"(2) EXCEPTION AND WAIVER.—Notwithstanding section 310(c)(6) and subject to rules issued by the Administrator, a

venture small business investment company may invest equity capital in venture capital funds if—

"(A) such venture capital funds are majority controlled by underrepresented individuals;

"(B) not less than 50 percent of total capital of each such venture capital fund is invested in covered investments; and

"(C) the venture small business investment company provides annual assistance to the venture capital fund.

"(e) PARTNERSHIP INTERESTS.—

"(1) IN GENERAL.—The Administrator may, out of amounts available in the facility, purchase partnership interests as described in this subsection.

"(2) ISSUANCE AND PURCHASE OF PARTNERSHIP INTERESTS.—

"(A) IN GENERAL.—The Administrator may purchase venture equity securities issued by a venture small business investment company in an amount that does not exceed the lesser of 100 percent of the private capital of the venture small business investment company or a lesser amount to be determined by the Administrator.

"(3) PARTNERSHIP INTEREST TERMS.—A partnership interest purchased by the Administrator from a venture small business investment company under this subsection shall be subject to such restrictions and limitations as the Administrator may determine.".

(b) EMERGING MANAGERS PROGRAM.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for carrying out this subsection.

(2) ESTABLISHMENT.—The Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

"SEC. 322. EMERGING MANAGERS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) COVERED INVESTMENTS.—The term 'covered investments' has the meaning given in section 321.

"(2) EMERGING MANAGER COMPANY.—The term 'emerging manager company' means an investment management firm that is focused on investing private equity that meets not less than 2 of the following criteria:

"(A) The partners of the firm have—

"(i) an investment track record of less than 10 years of combined investment experience; or

"(ii) a documented record of successful business experience.

"(B) The firm has a focus on underserved markets.

"(C) The firm is not less than 50 percent owned, managed, or controlled by members of an underrepresented community (as defined in section 50 of the Small Business Act).

"(b) ESTABLISHMENT.—The Administrator shall establish an emerging managers program pursuant to which managers with

substantial experience in operating small business investment companies may enter into a written agreement approved by the Administrator to provide guidance and assistance to an applicant for a license for a small business investment company that is to be managed by an emerging manager company. The manager with substantial experience may hold a minority financial interest in the small business investment company that is to be managed by an emerging manager company.

"(c) LICENSING.—An applicant described in subsection (b) shall apply with for a license under section 301(c) and shall—

"(1) have private capital not to exceed $100,000,000;

"(2) be managed by not less than two individuals;

"(3) be a second generation fund or earlier; and

"(4) focus its investment strategy on covered investments.

"(d) WAIVER OF MAXIMUM LEVERAGE.—The approval of a written agreement under subsection (b) by the Administrator shall operate as a waiver of the requirements of section 303(b)(2)(B) to the extent that such section would otherwise apply.

"(e) INCREASED LEVERAGE MAXIMUM.—An existing small business investment company that enters into a written agreement under subsection (b) that is approved by the Administrator may increase the maximum leverage cap of the company under section 303(b)(2)—

"(1) under subparagraph (A) of such section, with respect to a single license, by not more than $17,500,000; and

"(2) under subparagraph (B) of such section, with respect to multiple licenses under common control, by not more than $35,000,000.".

SEC. 100402. MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administration for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, to carry out paragraph (5) of section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)), as added by subsection (b).

(b) MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.—Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)) is amended by adding at the end the following:

"(5) MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.—

"(A) IN GENERAL.—The Administrator may issue a number of licenses under this subsection to applicants—

"(i) that do not satisfy the qualification requirements under paragraph (3)(A)(ii) to the extent that such requirements relate to investment experience and track record, including any such requirements further set forth in section 107.305 of title 13, Code of Federal Regulations, or any successor regulation;

"(ii) that would otherwise be issued a license under this subsection, except that the management of the applicant does not satisfy the requirements under paragraph (3)(A)(ii) to the extent that such requirements

relate to investment experience and track record, including any such requirements further set forth in section 107.305 of title 13, Code of Federal Regulations, or any successor regulation;

"(iii) for which the fund managers have—

"(I) a documented record of successful business experience;

"(II) a record of business management success; or

"(III) knowledge in the particular industry or business for which the applicant is pursuing an investment strategy; and

"(iv) that have demonstrated appropriate qualifications for the license, based on factors determined by the Administrator.

"(B) REQUIRED INVESTMENTS.—The licensee under this paragraph shall invest not less than 50 percent of the total financings of such licensee in covered investments (as defined in section 321), of which not more than 33 percent of such investments are in small business concerns in infrastructure or manufacturing.

"(C) TIMING FOR ISSUANCE OF LICENSE.—The Administrator shall establish policies to ensure the timely disposition and issuance of licenses under this paragraph.

"(D) LEVERAGE.—A company licensed pursuant to this paragraph shall—

"(i) not be eligible to receive leverage in an amount that is more than $50,000,000; and

"(ii) be able to access leverage in an amount that is not more than 200 percent of the private capital of the applicant.

"(E) INVESTMENT COMMITTEE.—If a company licensed pursuant to this paragraph has investment committee members or control persons who are principals approved by the Administration or control persons of licensed small business investment companies not licensed under this paragraph, such licensee or licensees shall not be deemed to be under common control with the company licensed pursuant to this paragraph solely for the purpose of section 303(b)(2)(B).

"(F) FEES.—In addition to the fees authorized under sections 301(e) and 310(b), the Administration may prescribe fees to be paid by each company designated to operate under this paragraph.".

SEC. 100403. FUNDING FOR SBIC OUTREACH AND EDUCATION.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000, to remain available until September 30, 2031, for carrying out this section.

(b) OUTREACH AND EDUCATION.—The Administrator shall develop and implement a program to promote to, conduct outreach to, and educate prospective licensees on the licensing procedures and other

programs of small business investment companies under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

SEC. 100404. SBIC WORKING GROUP.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2031, to carry out this section.

(b) DEFINITIONS.—In this section—

(1) the term "covered Members" means the Chair and Ranking Member of—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives;

(2) the terms "licensee", "small business investment company", and "underlicensed State" have the meanings given those terms, respectively, in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(3) the term "low-income community" has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;

(4) the term "member of an underrepresented community" has the meaning given in section 50 of the Small Business Act, as added by section 10201 of this title.

(5) the term "underfinanced State" means a State that has below median financing, as determined by the Administrator; and

(6) the term "underserved community" means—

(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) a low-income community; or

(C) a low-income rural community.

(c) ESTABLISHMENT.—Not later than 90 days after the date on which the covered Members are required to submit to the Administrator a notification that the individuals selected by the covered Members under paragraph (1) have accepted those assignments, the Administrator shall establish a small business investment company Working Group (referred to in this section as the "Working Group"), which shall—

(1) consist of—

(A) 4 representatives—

(i) among general partners of licensees that have a demonstrated record of investing in—

(I) low-income communities;

(II) businesses primarily engaged in research and development;

(III) manufacturers;

(IV) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee; and

(V) low-income rural communities; and

(ii) of whom—

(I) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;

(II) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;

(III) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and

(IV) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;

(B) 4 representatives—

(i) from licensees, of whom 1 shall be an owner of a small business investment company or fund manager that is located in—

(I) a low-income community;

(II) an underserved community;

(III) a low-income rural community; or

(IV) an underfinanced State; and

(ii) of whom—

(I) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;

(II) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;

(III) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and

(IV) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;

(C) the Associate Administrator for the Office of Investment and Innovation of the Administration, who shall—

(i) serve as the Chair of the Working Group; and

(ii) select not more than 4 additional representatives from the Office of Investment and Innovation of the Administration to serve as representatives of the Working Group; and

(D) 4 representatives from the investment industry or academia, or who are bank limited partners, with expertise in developing and monitoring interventions to expand the investment industry, of whom—

(i) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;

(ii) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;

(iii) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and

(iv) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;

(2) develop recommendations regarding how the Administrator could increase the number of—

(A) applicants to become small business investment companies, with a focus on management teams or companies located in—

(i) low-income communities;

(ii) underserved communities; and

(iii) low-income rural communities; and

(B) investments made in underfinanced States;

(3) develop recommendations for incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by members of an underrepresented community, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women; and

(4) develop recommendations for metrics of success, and benchmarks for success, with respect to the goals described in this section.

(d) REPORT.—Not later than 1 year after the date on which the Administrator establishes the Working Group under subsection (b), the Working Group shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

(1) the recommendations of the Working Group; and

(2) a recommended plan and timeline for implementing the recommendations described in paragraph (1).

(e) TERMINATION.—The Working Group shall terminate on the date on which the Working Group submits the report required under subsection (e).

Subtitle E—Increasing Access to Lending and Investment Capital

SEC. 100501. FUNDING FOR COMMUNITY ADVANTAGE LOAN PROGRAM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $281,000,000 for carrying out paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b);

(2) $5,000,000 for carrying out subparagraph (F) of such paragraph (38); and

(3) $314,000,000 for administrative expenses related to carrying out such paragraph (38), including issuing interim final rules.

(b) ESTABLISHMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(38) COMMUNITY ADVANTAGE LOAN PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'covered institution' means—

"(I) a development company, as defined in section 103 of the Small Business Investment Act of 1958, participating in the loan program established under title V of such Act;

"(II) a non-Federally regulated entity certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994;

"(III) an intermediary, as defined in subsection (m)(11), that is a nonprofit organization and is participating in the microloan program under subsection (m); and

"(IV) an eligible intermediary, as defined in subsection (l)(1), participating in the small business intermediary lending pilot program established under subsection (l)(2);

"(ii) the term 'existing business' means a small business concern that has been in existence for not less than 2 years on the date on which a loan is made to the small business concern under the program;

"(iii) the term 'new business' means a small business concern that has been in existence for not more than 2 years on the date on which a loan is made to the small business concern under the program;

"(iv) the term 'program' means the Community Advantage Loan Program established under subparagraph (B);

"(v) the term 'small business concern in an underserved market' means a small business concern—

"(I) that is located in—

"(aa) a low- to moderate-income community;

"(bb) a HUBZone, as that term is defined in section 31(b);

"(cc) a rural area; or

"(dd) any area for which a disaster declaration or determination described in subparagraph (B), (C), or (E) of subsection (b)(2) has been made that has not terminated more than 2 years before the date (or later, as determined by the Administrator) on which a loan is made to such concern under such subsection, or in any area for which a major disaster described in subsection (b)(2)(A) has been declared, that period shall be 5 years; or

"(II) that is a new business;

"(III) owned and controlled by veterans;

"(IV) owned and controlled by an individual who has completed a term of imprisonment;

"(V) owned and controlled by an individual with a disability, as that term is defined in section 3 of the Americans with Disabilities Act of 1990;

"(VI) owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994; or

"(VII) otherwise identified by the Administrator.

"(B) ESTABLISHMENT.— There is established a Community Advantage Loan Program under which the Administration may guarantee loans made by covered institutions under this subsection, including loans made to small business concerns in underserved market

"(C) REQUIREMENT TO MAKE LOANS TO UNDERSERVED MARKETS.—Not less than 50 percent of loans made by a covered institution under the program shall consist of loans made to small business concerns in an underserved market.

"(D) MAXIMUM LOAN AMOUNT.—

"(i) IN GENERAL.—Except as provided in clause (ii), the maximum loan amount for a loan guaranteed under the program is $250,000.

"(ii) EXCEPTIONS.—

"(I) REQUESTED EXCEPTION.—

"(aa) IN GENERAL.—Upon request by a covered institution, the Administrator may approve a guarantee of a loan under the program that is more than $250,000 and not more than $350,000.

"(bb) NOTIFICATION.—As soon as practicable and not later than 14 business days after receiving a request under item (aa), the Administration shall—

"(AA) review the request; and

"(BB) provide a decision regarding the request to the covered institution making the loan.

"(II) MAJOR DISASTERS.—The maximum loan amount for a loan guaranteed under the program that is made to a small business concern located in an area affected by a major disaster described in subsection (b)(2)(A) is $350,000.

"(E) INTEREST RATES.—The maximum interest rate for a loan guaranteed under the program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.

"(F) TRAINING.—The Administrator shall develop a training course and provide free or low-cost training to covered institutions making loans under the program.".

SEC. 100502. FUNDING FOR CREDIT ENHANCEMENT AND SMALL DOLLAR LOAN FUNDING.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $3,365,000,000 to carry out paragraph (39) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b); and

(2) $1,100,000,000 for administrative expenses related to carrying out such paragraph (39), including issuing interim final rules.

(b) SMALL DOLLAR LOAN FUNDING.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 10501, is further amended—

(1) in paragraph (1)(A)(i), in the third sentence, by striking "; and" and all that follows through the period at the end and inserting a period;

(2) in paragraph (26), by inserting "(except for those collected under paragraph (39))" after "profits"; and

(3) by adding at the end the following:

"(39) SMALL DOLLAR LOAN FUNDING.—

"(A) DEFINITIONS.—In this paragraph:

"(i) SMALL GOVERNMENT CONTRACTOR.—The term 'small government contractor' means a small business concern that is performing a Government contract.

"(ii) SMALL MANUFACTURER.—The term 'small manufacturer' means a small business concern that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives loan under this subsection.

"(B) DIRECT LOANS.—The Administrator is authorized to originate and disburse direct loans, including through partnerships with third parties, to small business concerns.

"(C) TERMS.—

"(i) LOAN SIZE.—Notwithstanding paragraph (3)(C) of this subsection, a loan made in accordance with this paragraph shall be—

"(I) except as provided in subclause (II), not more than $150,000; or

"(II) not more than $1,000,000, if the borrower is a small manufacturer or a small government contractor.

"(D) FEES.—With respect to each loan made in accordance with this paragraph, the Administrator, an authorized third party, or an agent may—

"(i) impose, collect, retain, and utilize fees, which may be charged to the borrower, to cover any costs associated with referring applications or originating, making, underwriting, disbursing, closing, servicing, or liquidating the loan, including any direct lending

agent costs, other program or contract costs, or other agent administrative expenses;

"(ii) impose, collect, retain, and use fees (including unused fees and draw fees), which may be charged to the borrower on loans for revolving lines of credit; and

"(iii) pay third parties, including direct lending agents and financial institutions, with which the Administration partners for assistance in referring applicants or promoting, originating, making, underwriting, disbursing, closing, servicing, or liquidating loans in accordance with this paragraph on behalf of the Administration.

"(E) OTHER TERMS.—

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall issue interim final rules relating to the underwriting criteria, interest rate, maturity, and other terms of a loan made in accordance with this paragraph and revising any other rules necessary to carry out this paragraph.

"(ii) REPAYMENT.—Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall issue rules to allow reasonable assurance of repayment of a loan made in accordance with this paragraph, including reasonable assurance of repayment from the assets converting to cash to be the sole and primary form of repayment under this paragraph.".

SEC. 100503. EXTENSION OF TEMPORARY FEE REDUCTIONS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration 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, for carrying out this section.

(b) 7(a) LOAN PROGRAM.—Section 326 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260; 134 Stat. 2036; 15 U.S.C. 636 note) is amended—

(1) in subsection (a)(2), by striking "October 1, 2021" and inserting "October 1, 2026"; and

(2) in subsection (b)(2), by striking "October 1, 2021" and inserting "October 1, 2026".

(c) OTHER FEES.—Section 327 of the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (title III of division N of Public Law 116–260; 134 Stat. 2037; 15 U.S.C. 636 note) is amended—

(1) in subsection (a)(1), by striking "September 30, 2021" and inserting "September 30, 2026"; and

(2) in subsection (b)(1), by striking "September 30, 2021" and inserting "September 30, 2026".

SEC. 100504. FUNDING FOR COOPERATIVES.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration

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 carrying out paragraph (40) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b).

(b) COOPERATIVE LENDING PILOT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 10502, is amended by adding at the end the following:

"(40) COOPERATIVE LENDING PILOT.—

"(A) DEFINITIONS.—In this paragraph:

"(i) COMMUNITY FINANCIAL INSTITUTION.—The term 'community financial institution' has the meaning given in paragraph (36)(A);

"(ii) COOPERATIVE.—The term 'cooperative'—

"(I) means an entity determined by the Administrator to be a cooperative; and

"(II) includes an entity owned by employees or consumers of the entity.

"(iii) ELIGIBLE EMPLOYEE-OWNED BUSINESS CONCERN.—The term 'eligible employee-owned business concern' means—

"(I) a cooperative in which the employees of the cooperative are eligible for membership;

"(II) a qualified employee trust; or

"(III) other employee-owned entities as determined by the Administrator.

"(iv) PILOT PROGRAM.—The term 'pilot program' means the pilot program established under subparagraph (B).

"(B) ESTABLISHMENT.—There is established a pilot program under which the Administrator shall guarantee loans (including loans made by community financial institutions), without the requirement of a personal or entity guarantee, where such loans are made to cooperatives or eligible employee-owned business concerns.

"(C) TERMINATION.—The pilot program shall terminate on the date that is 5 years after the date of enactment of this paragraph.".

(c) DELEGATED LENDING AUTHORITY FOR PREFERRED LENDERS.—Section 5(b)(7) of the Small Business Act (15 U.S.C. 634(b)(7)) is amended by striking "paragraph (15) or (35)" and inserting "paragraph (15), (35), or (40)".

SEC. 100505. FUNDING FOR DIRECT DEBENTURES.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(1) $2,118,000,000 for carrying out subsection (j) of section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), as added by subsection (b); and

(2) $628,000,000 for administrative expenses related to carrying out such subsection (j), including issuing interim final rules.

(b) DIRECT DEBENTURES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:

"(j) DIRECT DEBENTURES.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'direct debenture' means a debenture guaranteed by the Administrator under the authority under paragraph (2);

"(B) the term 'eligible entity' means—

"(i) a small business concern in an underserved market;

"(ii) a small government contractor; or

"(iii) a small manufacturer;

"(C) the term 'renewable energy equipment'—

"(i) means such equipment as the Administrator may designate as renewable energy equipment; and

"(ii) includes solar panels, wind turbines, and battery storage;

"(D) the term 'small business concern in an underserved market' has the meaning given in section 7(a)(38) of the Small Business Act;

"(E) the term 'small government contractor' means a small business concern that is performing a government contract; and

"(F) the term 'small manufacturer' means a small business concern that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives loan under this subsection.

"(2) AUTHORITY.—Except as otherwise provided in this subsection, the Administrator may guarantee the timely payment of all principal and interest as scheduled under this subsection on a debenture issued by any qualified State or local development company under the same terms, conditions, and processes as a guarantee made under the authority under subsection (a)(1).

"(3) USE OF PROCEEDS.—The proceeds of a direct debenture—

"(A) for a small business concern that is an eligible entity, may be used for any purpose for which a loan under section 502 may be used, including to acquire renewable energy equipment and for working capital; and

"(B) for a small business concern that is not an eligible entity, may be used to acquire renewable energy equipment.

"(4) MAXIMUM LOAN AMOUNT.—

"(A) IN GENERAL.—A direct debenture shall be in an amount not more than $6,500,000.

"(B) COST OF PROJECT.—The amount of the proceeds of a direct debenture may not exceed the amount equal to 100 percent of the cost of the project for which the proceeds are to be used.

"(5) CRITERIA FOR ASSISTANCE.—

"(A) NO COMMUNITY INJECTION FUNDS REQUIRED.—Compliance with subparagraph (B) of section 502(a)(3) shall not be required for a direct debenture.

"(B) FUNDING FROM SMALL BUSINESS CONCERN.—A small business concern receiving funds under a direct debenture—

"(i) for a direct debenture used for working capital, is not required to provide funds toward the total cost of the project financed;

"(ii) for a direct debenture used for renewable energy equipment, may provide not more than 10 percent of the total cost of the project financed; and

"(iii) for a direct debenture used for any other eligible purpose, shall provide not less than 5 percent of the total cost of the project financed.

"(6) FEES.—With respect to each debenture made in accordance with this paragraph, in addition to other fees authorized under this section, the Administrator, an authorized third party, or an agent may—

"(A) impose, collect, retain, and utilize fees, which shall be charged to the borrower, to cover any costs associated with referring applications or originating, underwriting, making, disbursing, closing, and servicing, or liquidating the loan, including any central servicing agent costs, other program or contract costs, or other agent administrative expenses;

"(B) impose, collect, retain, and use fees (including unused fees and draw fees), which may be charged to the borrower on loans for revolving lines of credit; and

"(C) establish fees that may be charged by interim lenders for interim financing provided in connection with a direct debenture, including for assistance in referring applicants or promoting, originating, making, underwriting, disbursing, closing, servicing, or liquidating loans in accordance with this paragraph on behalf of the Administration.

"(7) INTERIM FINANCING.—Nothing in this subsection shall be construed to restrict the ability of a State or local development company to use a third party lender or another lender to provide interim financing for all project costs except the borrower's contribution, in accordance with section 120.890 of title 13, Code of Federal Regulations, or any successor thereto, in connection with providing a direct debenture to a small business concern.

"(8) OTHER TERMS.—

"(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall issue interim final rules relating to the underwriting criteria, interest rate, maturity, collateral, servicing, and other terms or project requirements of a direct debenture made in accordance with this subsection and revising any other rules necessary to carry out this subsection.

"(B) REPAYMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall issue rules to allow reasonable assurance of repay-

ment of a direct debenture, including reasonable assurance of repayment from the assets converting to cash to be the primary form of repayment under this subsection.".

(c) CALCULATION OF JOB CREATION REQUIREMENT.—Section 501(e)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)(4)) is amended to read as follows:

"(4) Loans for projects of small manufacturers and direct debenture loans under section 503(j) shall be excluded from calculations under paragraph (2) or (3) of this subsection.".

Subtitle F—Supporting Entrepreneurial Second Chances

SEC. 100601. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED AND FORMERLY INCARCERATED INDIVIDUALS.

(a) REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated $5,000,000 for each of fiscal years 2022 through 2028 to carry out section 53 of the Small Business Act, as added by paragraph (2). Amounts appropriated by this subsection shall remain available for 3 fiscal years.

(2) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 52, as added by section 10301 of this title, the following:

"SEC. 53. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who is completing a term of imprisonment in a facility designated as a minimum, low, or medium security.

"(2) RESOURCE PARTNERS.—The term 'resource partners' means a small business development center (defined in section 3) or a women's business center (described under section 29).

"(b) ESTABLISHMENT.—The Administrator shall coordinate with resource partners and associations formed to pursue matters of common concern to resource partners to provide entrepreneurship counseling and training services to covered individuals pursuant to subsection (c).

"(c) USE OF FUNDS.—Amounts made available under this section shall be used to—

"(1) develop and deliver a curriculum, including classroom instruction and in-depth training to develop skills related to business planning and financial literacy;

"(2) train mentors and instructors;

"(3) establish public-private partnerships to support covered individuals; and

"(4) identify opportunities to access capital.".

(b) REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS.—

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated $5,000,000, for each of fiscal years 2022 through 2028 to carry out section 54 of the Small Business Act, as added by paragraph (2). Amounts appropriated by this subsection shall remain available for 3 fiscal years.

(2) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 53, as added by subsection (a), the following:

"SEC. 54. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR FORMERLY INCARCERATED INDIVIDUALS.

"(a) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means an individual who completed a term of imprisonment.

"(b) ESTABLISHMENT.—The Administrator shall establish a program under which the Service Corps of Retired Executives authorized by section 8(b)(1)(B) shall provide entrepreneurship counseling and training services to covered individuals on a nationwide basis.

"(c) USE OF FUNDS.—Amounts made available under this section shall be used by the Service Corps of Retired Executives for providing to covered individuals the following services:

"(1) Regular individualized mentoring sessions to identify and support development of the business plans of covered individuals.

"(2) Workshops on topics specifically tailored to meet the needs of covered individuals.

"(3) Instructional videos designed specifically for covered individuals on how to start or expand a small business concern.".

SEC. 100602. NEW START ENTREPRENEURIAL DEVELOPMENT PROGRAM FOR FORMERLY INCARCERATED INDIVIDUALS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $5,000,000, for each of fiscal years 2022 through 2028 for carrying out this section. Amounts appropriated by this subsection shall remain available for 3 fiscal years.

(b) DEFINITIONS.—In this section—

(1) COVERED INDIVIDUAL.—The term "covered individual" means an individual who—

(A) completed a term of imprisonment; and

(B) meets the offense eligibility requirements set forth in any applicable policy notice or other guidance issued by the Small Business Administration for the program established under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

(2) INTERMEDIARY; MICROLOAN.—The terms "intermediary" and "microloan" have the meanings given those terms, respectively, in section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)).

(3) PARTICIPATING LENDER.—The term "participating lender" means a participating lender described under section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(4) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b).

(5) RESOURCE PARTNER.—The term "resource partner" means—

(A) a small business development center (defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women's business center (described under section 29 of such Act (15 U.S.C. 656));

(C) a chapter of the Service Corps of Retired Executives (established under section 8(b)(1)(B) of such Act ((15 U.S.C. 637(b)(1)(B))); and

(D) a Veteran Business Outreach Center (described under section 32 of such Act (15 U.S.C. 657b)).

(c) ESTABLISHMENT.—The Administrator shall establish a pilot program to award grants to organizations, or partnerships of organizations, to provide assistance to covered individuals throughout the United States.

(d) APPLICATION.—

(1) IN GENERAL.—An organization or partnership of organizations desiring a grant under the pilot program shall submit an application to the Administrator in such form, in such manner, and containing such information as the Administrator may reasonably require.

(2) CONTENTS.—An application submitted under paragraph (1) shall—

(A) demonstrate that the applicant has a partnership with, or is, an intermediary that shall make microloans to covered individuals;

(B) demonstrate an ability to provide a full range of entrepreneurial development programming on an ongoing basis;

(C) include a plan for reaching covered individuals, including by identifying particular target populations within the community in which a covered individual lives;

(D) include a plan to refer covered individuals who have completed participation in the pilot program to existing resource partners and participating lenders;

(E) include a comprehensive plan for the use of grant funds, including estimates for administrative expenses and outreach costs; and

(F) any other requirements, as determined by the Administrator.

(e) MATCHING REQUIREMENT.—

(1) IN GENERAL.—As a condition of a grant provided under the pilot program, the Administrator shall require the recipient of the grant to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources.

(2) FORM.—In addition to cash or other direct funding, the contribution required under paragraph (1) may include indirect costs or in-kind contributions paid for under non-Federal programs.

Subtitle G—Other Matters

SEC. 100701. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,250,000,000, to remain available until September 30, 2031, for administrative expenses related to carrying out this title, except as otherwise provided in this title.

(b) RULEMAKING.—Using amounts made available under subsection (a), not later than 30 days after the date of the enactment of this Act, the Administrator may issue rules, including interim final rules, as necessary to carry out this title and the amendments made by this title.

(c) RECISSION.—With respect to amounts appropriated under subsection (a)—

(1) the Secretary of the Treasury shall complete all disbursements and remaining obligations before September 30, 2031; and

(2) the unexpended balance of such amounts September 30, 2031, shall be rescinded and deposited into the general fund of the Treasury.

SEC. 100702. OFFICE OF THE INSPECTOR GENERAL OF THE SMALL BUSINESS ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the Small Business Administration 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 audits, investigations, and other oversight of projects and activities carried out with funds made available by this title to the Small Business Administration.

TITLE XI—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SEC. 110001. AFFORDABLE HOUSING ACCESS PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $9,900,000,000, to remain available until September 30, 2026, for competitive grants to support access to affordable housing and the enhancement of mobility for residents in disadvantaged communities or neighborhoods, in persistent poverty communities, or for low-income riders generally.

(b) CRITERIA AND PROCESS.—The Secretary of Housing and Urban Development and the Administrator of the Federal Transit Administration shall establish criteria and a process for the allocation of funds made available under this section in a manner to ensure that such funds support—

(1) access to affordable housing;

(2) enhanced mobility for residents and riders, including those in disadvantaged communities and neighborhoods, per-

sistent poverty communities, or for low-income riders generally; or

(3) other community benefits for residents of disadvantaged communities or neighborhoods, persistent poverty communities, or for low-income riders generally identified by the Secretary and the Administrator related to enhanced transit service, including—

(A) access to job and educational opportunities;

(B) better connections to medical care; or

(C) enhanced access to grocery stores with fresh foods to help eliminate food deserts.

(c) ADMINISTRATION OF FUNDS.—Funds made available under this section shall—

(1) be available to recipients and subrecipients eligible under chapter 53 of title 49, United States Code;

(2) after allocation, be administered by the Administrator of the Federal Transit Administration—

(A) to recipients and subrecipients in urban areas, as if such funds were provided under section 5307 of title 49, United States Code;

(B) to recipients and subrecipients in rural areas, as if such funds were provided under section 5311 of such title;

(C) for any project activities related to the acquisition of zero-emission buses or related infrastructure, as if funds for such activities were awarded under section 5339(c) of such title;

(D) for any activities related to research that supports efforts to reduce barriers to the deployment of zero-emission transit vehicles in disadvantaged communities or neighborhoods and rural areas, including barriers related to the cost of such vehicles, as if funds for such activities were provided under section 5312 of such title; or

(E) for any activities related to the training and development of the transit workforce that provides service to disadvantaged communities or neighborhoods and rural areas, including the creation of new employment opportunities in the transit industry for workers from such communities, neighborhoods or areas, as if funds for such activities were provided under section 5314 of such title;

(3) not be subject to any restriction on the total amount of funds available for implementation or execution of programs authorized under section 5307, 5311, 5312, 5314, or 5339 of title 49, United States Code;

(4) notwithstanding paragraph (1), be available for grants for up to 100 percent of the net cost of a project; and

(5) be expended in compliance with the requirements of part 26 of title 49, Code of Federal Regulations.

(d) ELIGIBLE ACTIVITIES.—Eligible activities for funds made available under this section shall be—

(1) construction of a new fixed guideway capital project;

(2) construction of a bus rapid transit project or a corridor-based bus rapid transit project that utilizes zero-emission vehicles, including costs related to the acquisition of such vehicles

and related charging or fueling infrastructure, or a collection of such projects;

(3) the establishment or expansion of high-frequency bus service that utilizes zero-emission buses, including costs related to the acquisition of such vehicles and related charging or fueling infrastructure, but does not have all of the features of a bus rapid transit project or corridor-based bus rapid transit project;

(4) an expansion of the service area or the frequency of service of recipients or subrecipients under section 5311 of title 49, United States Code, which may include operational expenses, including the provision of fare-free or reduced-fare service, or the acquisition of vehicles or infrastructure to expand service;

(5) notwithstanding subsection (a)(1) of section 5307 of such title, an expansion of the service area or the frequency of service of recipients under such section, which may include operational expenses, including the provision of fare-free or reduced-fare service, or the acquisition of zero-emission vehicles or infrastructure to expand service;

(6) renovation or construction of facilities and incidental expenses to continue or expand transit service in disadvantaged communities or neighborhoods or service that benefits low-income riders generally;

(7) research activities and capital expenses related to research under section 5312 of such title that support efforts to reduce barriers to the deployment of zero-emission transit vehicles in disadvantaged communities or neighborhoods and rural areas, including barriers related to the cost of such vehicles;

(8) activities under section 5314 of such title that support the training and development of the transit workforce that provides service to disadvantaged communities or neighborhoods and rural areas, including the creation of new employment opportunities in the transit industry for workers from such communities, neighborhoods, or areas;

(9) additional assistance to project sponsors of new fixed guideway capital projects, core capacity improvement projects, or corridor-based bus rapid transit projects not yet open to revenue service, notwithstanding applicable requirements regarding Government share of contributions toward net project cost of the project or the share of contributions from a program carried out by the Administrator of the Federal Transit Administration, if—

(A) the applicant demonstrates that the availability of funding under this section provides additional support for access to affordable housing and the enhancement of mobility for residents in disadvantaged communities or neighborhoods, persistent poverty communities, or for low-income riders generally in the service area of the recipient, consistent with the purposes described in subsection (b); and

(B) assistance under this paragraph does not increase by more than 10 percentage points—

(i) the Government share of contributions toward net project cost; or

(ii) the Government share of assistance from a program carried out by the Administrator of the Federal Transit Administration;

(10) fleet transition, route, or other public transportation planning, including planning related to economic development; or

(11) projects to upgrade the accessibility of bus or rail public transportation services for persons with disabilities, including individuals who use wheelchairs, in disadvantaged communities or neighborhoods.

(e) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the following:

(1) The costs of administering and overseeing the implementation of this section.

(2) To make new awards or to increase prior awards to provide technical assistance and capacity building for eligible recipients or subrecipients under this section.

SEC. 110002. COMMUNITY CLIMATE INCENTIVE GRANTS.

(a) FEDERAL HIGHWAY ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration—

(1) to establish a greenhouse gas performance measure that requires States to set performance targets to reduce greenhouse gas emissions;

(2) to establish an incentive structure to reward States that demonstrate the most significant progress towards achieving reductions in greenhouse gas emissions;

(3) to establish consequences for States that do not achieve reductions in greenhouse gas emissions;

(4) to issue guidance and regulations, and provide technical assistance, as necessary to implement this section; and

(5) from any remaining amounts after carrying out paragraphs (1) through (4), for operations and administration of the Federal Highway Administration.

(b) GRANTS TO STATES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $950,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration, for incentive grants for carbon reduction projects, to be awarded to States that—

(1) qualify for a reward under the incentive structure established by the Administrator under subsection (a)(2); or

(2) have adopted carbon reduction strategies that contribute to achieving net-zero greenhouse gas emissions by 2050, and have incorporated such strategies into the transportation plans required under section 135 of title 23, United States Code.

(c) GRANTS TO OTHER ELIGIBLE ENTITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for grants, to be awarded on a competitive basis, for carbon reduction projects to eligible entities that are not States.

(d) USE OF FUNDS.—

(1) IN GENERAL.—Funds made available under subsections (b) and (c) shall be administered as if made available under chapter 1 of title 23, United States Code, and a project carried out under this section shall be treated as a project on a Federal-aid highway under such chapter.

(2) GRANTS TO STATES.—Funds made available under subsection (b) administered by or through a State department of transportation shall be expended in compliance with the requirements of part 26 of title 49, Code of Federal Regulations.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share for a recipient of funds that is not a State under this section may be up to 100 percent.

(2) STATES.—The Federal share for a recipient of funds under this section that is a State shall be determined in accordance with section 120 of title 23, United States Code.

(f) LIMITATION.—Funds 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 execution of programs authorized for Federal-aid highways; and

(2) be used for projects that result in additional through travel lanes for single occupant passenger vehicles.

(g) DEFINITIONS.—In this section:

(1) CARBON REDUCTION PROJECT.—A carbon reduction project means a project that is eligible under title 23, United State Code, and that—

(A) will result in significant reductions in greenhouse gas emissions related to a surface transportation facility or project;

(B) provides zero-emission transportation options;

(C) reduces dependence on single-occupant vehicle trips; or

(D) advances carbon reduction strategies adopted by an eligible entity that contribute to achieving net-zero greenhouse gas emissions by 2050.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a unit of local government;

(B) a political subdivision of a State;

(C) a territory;

(D) a metropolitan planning organization (as defined in section 134 of title 23, United States Code);

(E) a special purpose district or public authority with a transportation function;

(F) a recipient of funds under section 202 of title 23, United State Code; or

(G) a State.

(3) STATE.—The term "State" has the meaning given the term in section 101 of title 23, United States Code.

SEC. 110003. NEIGHBORHOOD ACCESS AND EQUITY GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $3,950,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration—

(1) for grants to eligible entities described in subsection (b) to improve walkability, safety, and affordable transportation access through construction (as such term is defined in section 101 of title 23, United States Code) of 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 or spines; or

(E) to provide affordable access to essential destinations, public spaces, or transportation links and hubs;

(2) for mitigation grants to eligible entities described in subsection (b) to remediate negative impacts on the human or natural environment resulting from a facility described in subsection (c)(2) in a disadvantaged or underserved community, including construction (as such term is defined in section 101 of title 23, United States Code) of—

(A) noise barriers to reduce impacts resulting from a facility described in subsection (c)(2);

(B) technologies, infrastructure, and activities to reduce surface transportation-related air pollution, including greenhouse gas emissions;

(C) infrastructure or protective features to reduce or manage stormwater run-off resulting from a facility described in subsection (c)(2), including through natural infrastructure and pervious, permeable, or porous pavement;

(D) infrastructure and natural features to reduce, or to 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 grants to eligible entities described in subsection (b) for planning and capacity building activities in disadvantaged or underserved communities to—

(A) identify, monitor, or assess local and ambient air quality, emissions of transportation greenhouse gases, hot spot areas of extreme heat or elevated air pollution, gaps in tree canopy coverage, or flood prone locations;

(B) assess transportation equity or pollution impacts and develop local anti-displacement policies and community benefit agreements;

(C) conduct predevelopment activities for projects eligible under this subsection;

(D) expand public participation in transportation planning by individuals and organizations in disadvantaged or underserved communities; or

(E) administer or obtain technical assistance related to activities described in this subsection.

(b) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subsection (a) is—

(1) a State (as such term is defined in section 101 of title 23, United States Code);

(2) a unit of local government;

(3) a political subdivision of a State (as such term is defined in section 101 of title 23, United States Code);

(4) a recipient of funds under section 202 of title 23, United States Code;

(5) a territory of the United States;

(6) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code); or

(7) with respect to a grant described in subsection (a)(3), in addition to an eligible entity described in paragraphs (1) through (6), a nonprofit organization or institution of higher education that has entered into a partnership with an eligible entity described in paragraphs (1) through (6).

(c) FACILITY DESCRIBED.—A facility 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, stormwater, or other burden to a disadvantaged or underserved community.

(d) LOCAL TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for—

(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 local government to assume responsibilities to deliver surface transportation projects; and

(3) operations and administration of the Federal Highway Administration.

(e) USE OF FUNDS.—

(1) IN GENERAL.—The Administrator shall provide grants to eligible entities described in subsection (b) that submit an application to the Administrator at such time, in such manner, and containing such information as the Administration requires.

(2) MINIMUM INVESTMENT.—Not less than $1,580,000,000 of funds made available under subsection (a) shall be distributed for projects in communities that—

(A) are economically disadvantaged, including an underserved community or a community located in an area of persistent poverty;

(B) have entered or will enter into a community benefits agreement with representatives of the community;

(C) have an anti-displacement policy, a community land trust, or a community advisory board in effect; or

(D) have demonstrated a plan for employing local residents in the area impacted by the activity or project proposed under this section.

(f) ADMINISTRATION.—

(1) IN GENERAL.—Amounts made available under subsection (a) shall be administered as if made available under chapter 1 of title 23, United States Code, and a project carried out under this section shall be treated as a project on a Federal-aid highway under such chapter.

(2) GRANTS TO STATES.—Funds made available under subsection (a) administered by or through a State department of transportation shall be expended in compliance with the requirements of part 26 of title 49, Code of Federal Regulations.

(g) COST SHARE.—The Federal share of the cost of an activity carried out using a grant awarded under this section shall be not more than 80 percent, except that the Federal share of the cost of a project in a disadvantaged or underserved community may be up to 100 percent.

(h) LIMITATIONS.—Funds 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 execution of programs authorized for Federal-aid highways; and

(2) be used for a project for additional through travel lanes for single-occupant passenger vehicles.

SEC. 110004. FEDERAL HIGHWAY ADMINISTRATION SECTION 202 FUNDS.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for the purposes described under section 202 of title 23, United States Code.

(b) DISTRIBUTION OF FUNDS.—The Administrator of the Federal Highway Administration shall administer amounts made available under subsection (a) as if allocated under section 202 of title 23, United States Code.

(c) LIMITATION.—Funds made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

SEC. 110005. TERRITORIAL HIGHWAY PROGRAM FUNDING.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $320,000,000, to remain available until September 30, 2026, to the Administrator of the

Federal Highway Administration for the purposes described under section 165(c) of title 23, United States Code.

(b) ADMINISTRATION OF FUNDS.—The Administrator of the Federal Highway Administration shall administer amounts made available under subsection (a) as if allocated under section 165(c) of title 23, United States Code.

(c) LIMITATION.—Funds made available under this section shall not be subject to any restriction or limitation on the total amount of funds available for implementation or execution of programs authorized for Federal-aid highways.

SEC. 110006. TRAFFIC SAFETY CLEARINGHOUSE.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2026, for the Administrator of the National Highway Traffic Safety Administration to make 1 or more grants, cooperative agreements, or contracts with 1 or more qualified institutions to—

(1) operate a national clearinghouse for fair and equitable traffic safety enforcement programs;

(2) research and develop systems for States to collect traffic safety enforcement data and provide technical assistance to States collecting such data, including the sharing of data to a national database;

(3) develop recommendations and best practices to help States collect and use traffic safety enforcement data to promote equity and reduce traffic-related fatalities and injuries; and

(4) develop information and educational programs on implementing equitable traffic safety enforcement best practices to assist States and local communities.

(b) ADMINISTRATION.—Not more than 5 percent of the amounts made available under this section may be used for salaries, expenses, and administration of the National Highway Traffic Safety Administration.

SEC. 110007. AUTOMATED VEHICLES AND MOBILITY INNOVATION.

In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $8,000,000, to remain available until September 30, 2026, to the Secretary of Transportation to make a grant to a qualified institution of higher education to—

(1) operate a national highly automated vehicle and mobility innovation clearinghouse;

(2) collect, conduct, and support research on the secondary and societal impacts of highly automated vehicles and mobility innovation on the built environment; and

(3) disseminate and make such research available on a public website to assist communities.

SEC. 110008. LOCAL TRANSPORTATION PRIORITIES.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Secretary of Transportation for fiscal year 2022, out of any funds in the Treasury not otherwise ap-

propriated, $6,000,000,000 to remain available until September 30, 2026, for projects to advance local surface transportation priorities.

(b) DAVIS BACON REQUIREMENT.—

(1) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with assistance made available under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) AUTHORITY AND FUNCTIONS.—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 110009. PASSENGER RAIL IMPROVEMENT, MODERNIZATION, AND EMISSIONS REDUCTION GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Transportation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2026, for financial assistance under chapter 261 of title 49, United States Code, to eligible entities for eligible projects.

(b) ALLOCATION.—Of the funds provided pursuant to subsection (a), not less than 10 percent shall be used for eligible projects as described under subsection (e)(1)(A).

(c) FEDERAL SHARE.—For any financial assistance provided pursuant to this section, the Federal share may not exceed 90 percent of the total cost of the eligible project.

(d) OVERSIGHT.—Not more than 1 percent of the amounts made available under subsection (a) shall be for the use of the Secretary of Transportation for the costs of award and project management of financial assistance provided under this section.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PROJECT.—The term "eligible project" means—

(A) a planning project for high-speed rail corridor development that consists of planning activities eligible to receive financial assistance under section 26101(b) of title 49, United States Code; or

(B) a capital project for high-speed rail corridor development that—

(i) directly serves rail stations within urban areas, as published by the Bureau of the Census, that are located in close proximity to a census tract, as published by the Bureau of the Census, within the urban area that has a greater population density than the urban area as a whole; and

(ii) is eligible to receive financial assistance for a capital project, as defined in section 26106(b)(3) of title 49, United States Code.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an entity eligible to receive financial assistance under section 26101 of title 49, United States Code; or

(B) an applicant eligible to receive a grant under section 26106 of title 49, United States Code.

(3) HIGH-SPEED RAIL.—The term "high-speed rail" means non-highway ground transportation that is owned or operated by an eligible entity and reasonably expected to reach speeds of 160 miles per hour or more on shared-use right-of-way or 186 miles per hour or more on dedicated right-of-way.

(4) CORRIDOR.—The term "corridor" means an existing, modified, or proposed intercity passenger rail service, as defined in section 26106(b) of title 49, United States Code.

SEC. 110010. RAILROAD REHABILITATION INFRASTRUCTURE AND FINANCING CREDIT RISK PREMIUM ASSISTANCE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Transportation, out of any money in the Treasury not otherwise appropriated, $150,000,000, in fiscal year 2022, to remain available until September 30, 2026, to provide credit risk premium assistance to eligible entities through the railroad rehabilitation infrastructure and financing program established by title V of the Railroad Revitalization and Regulatory Reform Act of 1976.

(b) ELIGIBLE ENTITIES.—For purposes of this section, eligible entities shall include—

(1) railroad carriers as defined in section 20102 of title 49, United States Code;

(2) State or local governments; or

(3) government-sponsored authorities or corporations.

(c) ALLOCATION.—

(1) PUBLIC PASSENGER RAIL PROJECTS.—Not less than 50 percent of the amounts appropriated under subsection (a) shall be set aside for publicly owned or operated passenger rail projects.

(2) FREIGHT RAILROADS.—Not less than 25 percent of the amounts appropriated under subsection (a) shall be set aside for freight railroads that are not Class I railroads.

SEC. 110011. ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise made 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, for the Secretary of Transportation to provide grants to, and enter into cost-sharing agreements with, eligible entities to carry out projects located in the United States that—

(1) develop, demonstrate, or apply low-emission aviation technologies; or

(2) produce, transport, blend, or store sustainable aviation fuels that would reduce greenhouse gas emissions attributable to the operation of aircraft that have fuel uplift in the United States.

(b) SELECTION.—In carrying out subsection (a), the Secretary shall consider, with respect to a proposed project—

(1) the anticipated public benefits of the project;

(2) the potential to increase the domestic production and deployment of sustainable aviation fuel or the use of low-emis-

sion aviation technologies among the United States commercial aviation and aerospace industry;

(3) the potential for creating new jobs in the United States;

(4) the potential the project has to reduce or displace, on a lifecycle basis, United States greenhouse gas emissions associated with air travel;

(5) the proposed utilization of non-Federal cost-share contributions;

(6) for projects related to the production of sustainable aviation fuel, the potential net greenhouse gas emissions impact of such fuel on a lifecycle basis, which shall include feedstock, fuel production, and potential direct and indirect greenhouse gas emissions (including resulting from changes in land use);

(7) how the project will strengthen the leadership of the United States in either sustainable aviation fuels or in low-emission aviation technologies;

(8) the benefits of ensuring a diversity of feedstocks for sustainable aviation fuel, including the use of waste carbon oxides and direct air capture;

(9) the potential for partnerships with relevant supply chain stakeholders for sustainable aviation fuel;

(10) the potential to leverage existing industrial infrastructure to accelerate the deployment of sustainable aviation fuels;

(11) aeronautical construction and design improvements that result in more efficient aircraft, including new aircraft architectures, innovative propulsion integration, and high-performance lightweight materials;

(12) more efficient aircraft engines, including innovative engine architectures, hybrid-electric engines, and all-electric engines suitable for fully or partially powering aircraft operations; and

(13) air traffic management and navigation technologies that permit more efficient flight patterns.

(c) FUNDING DISTRIBUTION.—Of the amount made available under subsection (a), 30 percent of such amount shall be awarded for projects described in subsection (a)(1) and 70 percent of such amount shall be awarded for projects described in subsection (a)(2).

(d) FEDERAL COST SHARE.—The Secretary shall determine a higher Federal share of project costs for any cost-share agreement or grant awarded to any eligible recipient for a project under subsection (a) that involves a low-emission aviation technology that exceeds a 20 percent reduction in fuel burn compared to current best in class aircraft or a sustainable aviation fuel that substantially exceeds a 50 percent lifecycle greenhouse gas emission reduction compared to conventional jet fuels.

(e) PROGRAM REQUIREMENTS.—As a condition of receiving funds under this section, the Secretary may approve an award under this section only if the Secretary has received written assurances from the recipient that—

(1) any low-emission aviation technology that is funded or is part of a project funded by a grant under subsection (a)(1) is produced in the United States;

(2) any sustainable aviation fuel that is part of a project funded by a grant under subsection (a)(2) is—

(A) produced in the United States; and

(B) is not derived from feedstocks that are developed through practices that threaten mass deforestation, harm biodiversity, or otherwise promote environmentally unsustainable processes; and

(3) the recipient of grant funding has adequately considered the environmental justice and equity impacts of any project on underserved communities.

(f) DEVELOPMENT PROJECTS.—Section 47112(a) of title 49, United States Code, is amended by inserting "or labor for a project funded under section 110011 of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'" after "this subchapter".

(g) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to 1 percent of the funds provided under this section to fund the award of, and oversight by the Secretary of, grants made under this section.

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State or local government other than an airport sponsor;

(B) an air carrier;

(C) an airport sponsor;

(D) an accredited institution of higher education;

(E) a person or entity engaged in the production, transportation, blending or storage of sustainable aviation fuel or feedstocks that could be used to produce sustainable aviation fuel;

(F) a person or entity engaged in the development, demonstration, or application of low-emission aviation technologies; or

(G) nonprofit entities or nonprofit consortia with experience in sustainable aviation fuel, low-emission technology, or other clean transportation research programs.

(2) LOW-EMISSION AVIATION TECHNOLOGY.—The term "low-emission aviation technology" means technologies that significantly—

(A) improve aircraft fuel efficiency;

(B) increase utilization of sustainable aviation fuels; or

(C) reduce greenhouse gas emissions produced during operation of civil aircraft.

(3) SUSTAINABLE AVIATION FUEL.—The term "sustainable aviation fuel" means liquid fuel that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the co-processing provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(C) is derived from biomass (as such term is defined in section 45K(c)(3) 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 attributional core lifecycle greenhouse gas emissions and the induced land use change values under the lifecycle methodology for sustainable aviation fuel adopted by the International Civil Aviation Organization for the Carbon Offsetting and Reduction Scheme for International Aviation 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 under another methodology that the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(II) as stringent as the requirement under clause (i).

(i) TIME LIMIT FOR ADOPTION OF NEW SUSTAINABLE AVIATION FUEL EMISSIONS REDUCTION TEST.—For purposes of clause (ii) of subsection (h)(3)(E), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, not later than 2 years after the date of the enactment of this section, adopt at least 1 methodology for testing lifecycle greenhouse gas emissions that meets the requirements of such clause.

SEC. 110012. IMPLEMENTATION OF THE CARBON OFFSETTING AND REDUCTION SCHEME FOR INTERNATIONAL AVIATION.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available until September 30, 2026, for the Secretary of Transportation to ensure the United States complies with its obligations with respect to volume IV of annex 16 to the Convention on International Civil Aviation (61 Stat. 1180) ("Carbon Offsetting and Reduction Scheme for International Aviation", hereinafter "CORSIA").

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall issue regulations with requirements to ensure the United States complies with the obligations referenced in subsection (a), including requirements for operators of civil aircraft of the United States with respect to—

(A) monitoring, reporting, and verifying quantities of carbon emissions covered under the CORSIA, cancelling eligible emissions units and reporting and verifying such cancellations, and reporting use of CORSIA eligible fuels; and

(B) submission of such information as the Secretary determines is necessary with respect to implementation of the CORSIA.

(2) STANDARDS AND RECOMMENDED PRACTICES.—Regulations issued under this subsection shall be consistent with applicable standards and recommended practices published in volume IV of annex 16 to the Convention on International Civil Aviation (61 Stat. 1180) and associated implementation elements, adopted by the International Civil Aviation Organization prior to enactment of this Act, and any amendments or updates to such standards and related documents with which the United States concurs.

(c) REPORTS.—Not later than December 31, 2022, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate a report assessing the compliance of operators of civil aircraft registered in the United States with regulations issued under this section as well as the standards and recommended practices referenced in subsection (b)(2), as applicable.

SEC. 110013. ASSISTANCE TO UPDATE AND ENFORCE HAZARD RESISTANT CODES AND STANDARDS.

(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, $291,000,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency to carry out activities described in section 203(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(i)), notwithstanding section 203(f)(2) of such Act (42 U.S.C. 5133(f)(2)), including for activities and grants that provide technical assistance and capacity building for State, local, Indian Tribal, or territorial governments for establishing, implementing, and carrying out enforcement activities of the latest published editions of relevant performance-based and consensus-based codes, specifications, and standards that incorporate hazard-resistant designs and the latest requirements for the maintenance and inspection of existing buildings to address hazard risk.

(b) COST SHARE.—The Federal share of the assistance provided in this section shall be 100 percent.

(c) ADMINISTRATION.—In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, $9,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administration of this section.

SEC. 110014. HAZARD MITIGATION REVOLVING LOAN FUND.

(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, $495,000,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency for the establishment and carrying out of hazard mitigation revolving loan fund grants under section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135).

(b) ADMINISTRATION.—In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, $5,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administration of this section.

SEC. 110015. UPGRADING PUBLIC ALERT AND WARNING.

(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, $24,000,000, to remain available until September 30, 2024, to the Administrator of the Federal Emergency Management Agency to upgrade the Integrated Public Alert and Warning System for implementation of the Next Generation Warning System.

(b) ASSISTANCE TO CERTAIN ENTITIES.—In carrying out subsection (a), the Administrator of the Federal Emergency Management Agency is authorized to issue noncompetitive, risk-informed financial assistance to public broadcasting entities, as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

(c) ADMINISTRATION.—In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, $1,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until September 30, 2026, for administration of this section.

SEC. 110016. FEDERAL ASSISTANCE FOR EMERGENCY MANAGERS.

(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, $412,000,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency for grants for construction, retrofit, technological enhancement, and updated requirements of State, local, Indian Tribal, and territorial emergency operations centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c). A State may provide grant funds under this subsection to local governments and Tribal governments to carry out the activities for which such funds are provided.

(b) ADMINISTRATION.—In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, $13,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administration of this section.

(c) LIMITATION.—The amount of a project under a grant provided under this section may not exceed $4,000,000.

(d) CODE COMPLIANCE.—In using funds under subsection (a), a grant recipient shall act in compliance with the latest published editions of relevant consensus-based codes, specifications, and

standards that incorporate the latest hazard resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of structures and facilities for the purpose of protecting the health, safety, and general welfare of the building users against disasters.

SEC. 110017. FEMA PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS.

In addition to amounts otherwise available, 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 the Administrator of the Federal Emergency Management Agency for the construction, renovation, retrofit, technological enhancement, and updated requirements of Federal emergency training centers and Federal emergency operations centers.

SEC. 110018. ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) ECONOMIC DEVELOPMENT ASSISTANCE FOR REGIONAL ECONOMIC GROWTH CLUSTERS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000,000, to remain available until September 30, 2027, to the Secretary of Commerce for grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to develop regional economic growth clusters, subject to the condition that sections 204 and 301 of such Act (42 U.S.C. 3144 and 3161) shall not apply to grants made with amounts made available under this subsection.

(b) ECONOMIC ADJUSTMENT ASSISTANCE.—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, 2027, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149), of which—

(1) $500,000,000 shall be to provide assistance to energy and industrial transition communities, including coal, oil and gas, and nuclear transition communities; and

(2) $50,000,000 shall be to provide grants for project predevelopment and capacity building activities, including activities relating to the writing of grant applications (consistent with section 213 of such Act (42 U.S.C. 3153)) and stipends to local community organizations for planning participation, community outreach and engagement activities, subject to the conditions that—

(A) sections 204 and 301 of such Act (42 U.S.C. 3144 and 3161) shall not apply to grants made with amounts made available under this paragraph; and

(B) not less than 50 percent of the amounts made available under this paragraph shall be for activities that are carried out in underserved communities.

(c) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—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 Sep-

tember 30, 2027, to the Secretary of Commerce for public works projects as authorized by section 201 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141).

(d) ADMINISTRATION.—Not more than 3 percent of the amounts made available under this section shall be used for the administrative costs of carrying out this section.

SEC. 110019. RECOMPETE PILOT PROGRAM.

(a) ECONOMIC DEVELOPMENT 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, $4,000,000,000, to remain available until September 30, 2031, to the Department of Commerce for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to establish a pilot program, to be known as the "Recompete Pilot Program", to provide grants to specified entities to carry out activities in eligible areas and Tribal lands for which a specified entity has jurisdiction or otherwise serves to support local labor markets, local communities, and Tribal governments to alleviate persistent economic distress and labor market dislocation, except that sections 204 and 301 of such Act shall not apply to a grant provided under this section.

(b) TERM.—A grant shall have a term of 10 fiscal years and be disbursed at such time and in such manner as determined by the Secretary of Commerce in accordance with benchmarking requirements established by the Secretary.

(c) USE OF FUNDS.—Of the funds provided by this section—

(1) not less than $3,855,000,000 shall be used for grants to be awarded to at least 15 specified entities representing eligible areas to carry out activities described in a recompete plan approved by the Secretary of Commerce;

(2) not more than $25,000,000 may be used for planning and technical assistance grants to be awarded to not more than 50 specified entities representing eligible areas to develop a recompete plan and carry out predevelopment activities; and

(3) not more than 3 percent shall be used for the administrative costs of carrying out this section.

(d) LIMITATIONS.—

(1) ELIGIBLE AREAS.—An eligible area may not benefit from more than 1 grant and 1 grant described in subsection (c)(2).

(2) LIMITATION ON RECIPIENTS.—For purposes of the program under this section, a specified entity may not receive a grant on behalf of more than 1 eligible area.

(e) MAXIMUM AWARD AMOUNT.—In determining the maximum amount of a grant that a specified entity may be awarded, the Secretary shall use the product obtained by multiplying—

(1) the prime-age employment gap of the eligible area;

(2) the prime-age population of the eligible area; and

(3) either—

(A) $70,585 for local labor markets; or

(B) $53,600 for local communities.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE AREA.—The term "eligible area" means either of the following:

(A) A local labor market that—

(i) has a prime-age employment gap equal to not less than 2.5 percent; and

(ii) meets additional criteria as the Secretary may establish.

(B) A local community that—

(i) has a prime-age employment gap equal to not less than 5 percent;

(ii) is not located within an eligible local labor market that meets the criteria described in subparagraph (A); and

(iii) has a median annual household income of not more than $75,000.

(2) LOCAL LABOR MARKET.—The term "local labor market" means any of the following areas that contains 1 or more specified entities described in subparagraphs (A) through (D) of paragraph (5):

(A) A commuting zone, as defined by the Economic Research Service of the Department of Agriculture, excluding all core-based statistical areas within the commuting zone described in subparagraph (B).

(B) Subject to subparagraph (C), if 1 or more discrete metropolitan statistical areas or micropolitan statistical areas, as defined by the Office of Management and Budget (collectively referred to as "core-based statistical areas"), exists within a commuting zone described in subparagraph (A), each such core-based statistical area.

(C) If the remaining area of a commuting zone described in subparagraph (A), excluding all core-based statistical areas within the commuting zone described in subparagraph (B), contains 1 or fewer counties and has a population of 7,500 or fewer residents, that remaining area combined with an adjacent core-based statistical area within the commuting zone.

(D) The Tribal land with a Tribal prime-age population represented by a Tribal government.

(3) LOCAL COMMUNITY.—The term "local community" means the area served by a specified entity described in subparagraphs (A) through (C) of paragraph (5) that—

(A)(i) is located within a local labor market or partial local labor market that is not eligible; or

(ii) is not coexistent with, or encompassing the entirety of, a local labor market; and

(B) meets such additional criteria, including a minimum population requirement, as the Secretary may establish.

(4) PRIME-AGE EMPLOYMENT GAP.—

(A) IN GENERAL.—The term "prime-age employment gap" means the difference (expressed as a percentage) between—

(i) the national 5-year average prime-age employment rate; and

(ii) the 5-year average prime-age employment rate of the eligible area.

(B) CALCULATION.—For the purposes of subparagraph (A), an individual is prime-age if such individual between the ages of 25 years and 54 years.

(5) RECOMPETE PLAN.—The term "recompete plan" means a comprehensive 10-year economic development plan that—

(A) includes—

(i) proposed programs and activities to be carried out with a grant awarded under this section to address the economic challenges of the eligible area in a manner that promotes long-term, sustained economic growth and reduction in the prime-age employment gap of the eligible area;

(ii) projected costs and annual expenditures and proposed disbursement schedule; and

(iii) other information as the Secretary determines appropriate;

(B) is developed by a specified entity that is the recipient of a planning and technical assistance grant described in subsection (c)(2); and

(C) is submitted to the Secretary for approval for a specified entity to be considered for a grant under this section.

(6) SPECIFIED ENTITY.—The term "specified entity" means—

(A) a unit of local government;

(B) the District of Columbia;

(C) a territory or possession of the United States;

(D) a Tribal government;

(E) a State-authorized political subdivision or other entity, including a special-purpose entity engaged in economic development activities;

(F) a public entity or nonprofit organization, acting in cooperation with the officials of a political subdivision or entity described in subparagraph (E);

(G) an economic development district (as defined in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122); and

(H) a consortium of any of the specified entities described in this paragraph which serve or are contained within the same eligible area.

(7) TRIBAL GOVERNMENT.—The term "Tribal government" means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published by the Bureau of Indian Affairs on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(8) TRIBAL LAND.—The term "Tribal land" means any land—

(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; or

(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;

(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community.

(9) TRIBAL PRIME-AGE POPULATION.—

(A) IN GENERAL.—The term "Tribal prime-age population" shall be equal to the sum obtained by adding—

(i) the product obtained by multiplying—

(I) the total number of individuals ages 25 through 54 residing on the Tribal land of the Tribal government; and

(II) 0.65; and

(ii) the product obtained by multiplying—

(I) the total number of individuals ages 25 through 54 included on the membership roll of the Tribal government; and

(II) 0.35.

(B) USE OF DATE.—A calculation under subparagraph (A) shall be determined based on data provided by the applicable Tribal government to the Department of the Treasury under the Coronavirus State and Local Fiscal Recovery Fund programs under title VI of the Social Security Act (42 U.S.C. 801 et seq.).

SEC. 110020. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2031, 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 Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SEC. 110021. TECHNOLOGY INNOVATION AND CLIMATE RESILIENCE IN MARITIME SECTOR.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2027, to the Maritime Administration, for the maritime environmental and technical assistance program under section 50307 of title 46, United States Code, to reduce carbon emissions, reduce vessel noise pollution, and improve the climate resiliency of the marine shipping and the maritime industry.

SEC. 110022. CLIMATE RESILIENT COAST GUARD INFRASTRUCTURE.

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, 2031, to the account under the heading "Coast Guard Procurement, Construction, and Improvements", for the acquisition, design, and construction of new, or replacement of existing, climate resilient facilities, including personnel readiness facilities such as family support services facilities, that are threatened by or have been impacted by climate change, as authorized under sections

504(e) and 1101(b)(1) of title 14, United States Code. The Coast Guard shall return to the Treasury any funds appropriated under this section that have not been expended by September 30, 2031.

SEC. 110023. GREAT LAKES ICEBREAKER ACQUISITION.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of funds in the Treasury not otherwise appropriated, $350,000,000, to remain available until September, 30, 2031, to the Coast Guard, for acquisition, design, and construction of a Great Lakes heavy icebreaker, as authorized under section 8107 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283). The Coast Guard shall return to the Treasury any funds appropriated under this section that have not been expended by September 30, 2031.

SEC. 110024. POLAR SECURITY CUTTERS AND CLIMATE SCIENCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $788,000,000, to remain available until September 30, 2031, to the Coast Guard, for the acquisition of the fourth heavy Polar Security Cutter, including scientific laboratory and berthing facilities, to expand access for scientists to the polar regions, to improve climate and weather research, for other polar missions, and for other purposes, as authorized under section 561 of title 14, United States Code.

SEC. 110025. SMALL SHIPYARD GRANTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2027, to the Maritime Administration for the purposes of making grants under the assistance for small shipyards program, as authorized by section 54101 of title 46, United States Code, to improve the climate resiliency and environmental sustainability of the maritime industry and maritime transportation system, including workforce training and equipment acquisition projects that improve the efficiency of shipyard operations, vessel construction and vessel repair. The deadlines established in paragraphs (2) and (3) of subsection (b) and paragraph (1) of subsection (f) of section 54101 of such title shall not apply to amounts made available in this section, and the Secretary of Transportation may carry out multiple rounds of competition.

SEC. 110026. PORT INFRASTRUCTURE AND SUPPLY CHAIN RESILIENCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000, to remain available until September 30, 2027, to the Maritime Administration for the purposes of making grants for projects to support supply chain resilience, reduction in port congestion, the development of offshore wind support infrastructure, and environmental remediation, projects to reduce the impact of ports on the environment, and for other purposes. Such grants shall be administered in accordance with the requirements applicable to grants under section 50302 of title 46, United States Code. The deadlines established in paragraph (5) of subsection (c) of section 50302 of such title shall not apply to

amounts made available in this section, and the Secretary of Transportation may carry out multiple rounds of competition. The Maritime Administration shall return to the Treasury any funds appropriated under this section that have not been expended by September 30, 2031.

SEC. 110027. GRANTS FOR RURAL, SMALL, TRIBAL, AND ECONOMICALLY DISADVANTAGED MUNICIPALITY TECHNICAL ASSISTANCE AND CIRCUIT RIDER PROGRAMS AND WORKFORCE DEVELOPMENT.

(a) APPROPRIATION.—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, $495,000,000, to remain available until expended, for the Administrator of the Environmental Protection Agency—

(1) to provide technical assistance to rural, small, Tribal, and economically disadvantaged municipalities for the purposes identified in subsection (b)(8) of section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254); and

(2) for grants for manpower development and training and retraining of workforce employees of publicly owned treatment works in accordance with subsection (g) of such section.

(b) DETERMINATION OF ECONOMIC DISADVANTAGE.—In determining whether a municipality is economically disadvantaged for the purposes of this section, the Administrator shall, to the maximum extent practicable, take into consideration—

(1) the criteria under paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); and

(2) any affordability criteria established by the State in which the municipality is located pursuant to section 603(i)(2) or 221(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2); 1301(c)).

SEC. 110028. ALTERNATIVE WATER SOURCE PROJECT GRANTS.

(a) APPROPRIATION.—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, $125,000,000, to remain available until expended, for carrying out section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300), in accordance with subsection (b), which funds may be used to make grants under such section on the condition that—

(1) a project carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater); and

(2) all of the iron and steel used in the project are produced in the United States in accordance with section 608 of such Act (33 U.S.C. 1388).

(b) LIMITATIONS.—For purposes of subsection (a)—

(1) the limitation in section 220(d)(1) of the Federal Water Pollution Control Act (as in effect on September 1, 2021), as it applies to the receipt of planning or design funds, shall not

apply with respect to eligibility for a grant under this section; and

(2) the requirements of sections 220(d)(2) and (e) of such Act (as in effect on September 1, 2021) shall not apply to the making of a grant under this section.

SEC. 110029. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

(a) GENERAL ASSISTANCE.—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, $1,000,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the activity (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(b) FINANCIALLY DISTRESSED COMMUNITIES.—

(1) APPROPRIATION.—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, $1,000,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section to financially distressed communities (as defined in such section), including rural financially distressed communities, on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the activity (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(2) LIMITATION.—In carrying out paragraph (1), the Administrator of the Environmental Protection Agency may not require a financially distressed community receiving a grant pursuant to this subsection to provide, as a condition of eligibility to receive such grant, a share of the cost of the activity for which the grant was made.

SEC. 110030. INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER TREATMENT SYSTEM GRANTS.

(a) APPROPRIATION.—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, $450,000,000, to remain available until expended, to make grants, in accordance with subsection (b), to States, municipalities, and nonprofit entities under the Federal Water Pollution Control Act for the construction, repair, or replacement of individual household decentralized wastewater treatment systems of eligible individuals (as such term is defined in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)).

(b) PRIORITY.—In carrying out subsection (a), the Administrator of the Environmental Protection Agency shall prioritize the issuance of grants to assist eligible individuals (as such term is defined in section 603(j) of the Federal Water Pollution Control Act (33 U.S.C. 1383(j)) residing in households that are not connected to a system or technology designed to treat domestic sewage, including eligible individuals using household cesspools.

SEC. 110031. TRIBAL CLEAN WATER GRANTS.

(a) APPROPRIATION.—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, $500,000,000, to remain available until expended, to make grants, in accordance with subsection (b), to Indian tribes and other entities described in section 518(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1377)—

(1) for—

(A) projects and activities eligible for assistance under section 603(c) of such Act (33 U.S.C. 1383); and

(B) training, technical assistance, and educational programs related to the operation and management of treatment works eligible for assistance pursuant to such section 603(c); and

(2) subject to the condition that—

(A) any project or activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project or activity (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater); and

(B) all of the iron and steel used in any project carried out using such funds are produced in the United States in accordance with section 608 of such Act (33 U.S.C. 1388).

(b) LIMITATION.—In carrying out subsection (a), the Administrator of the Environmental Protection Agency may not require an Indian tribe or other entity receiving a grant under this section to provide, as a condition of eligibility to receive such grant, a share of the cost of the project or activity for which the grant was made.

SEC. 110032. WASTEWATER INFRASTRUCTURE ASSISTANCE TO COLONIAS.

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, $125,000,000, to remain available until expended, for the Administrator of the Environmental Protection Agency for carrying out section 307 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1281 note; 110 Stat. 1688), which funds may be used to award grants under such section to a border State or municipality with jurisdiction over an eligible community (as such terms are defined in such section), on the condition that—

(1) a project carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any

constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater);

(2) all of the iron and steel used in the project are produced in the United States in accordance with section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388); and

(3) an eligible community receiving assistance for such project pursuant to this section shall not be required to provide a share of the costs of carrying out the project.

SEC. 110033. CLEAN WATER NEEDS SURVEY.

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, to remain available until expended, for grants to States and municipalities to carry out a detailed estimate of the cost of construction of all needed publicly owned treatment works pursuant to section 516(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1)(B)).

SEC. 110034. PROHIBITION ON USE OF FUNDS.

The Comptroller General of the United States shall provide a report to Congress accounting for any equipment provided by the United States Coast Guard or the Army Corps of Engineers to any prior regime in Afghanistan and that has been left behind in Afghanistan.

SEC. 110035. POLICY OF THE UNITED STATES ON CHILD LABOR.

It is the policy of the United States that funds made available by this title should not be used to purchase products produced whole or in part through the use of child labor, as such term is defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.